This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

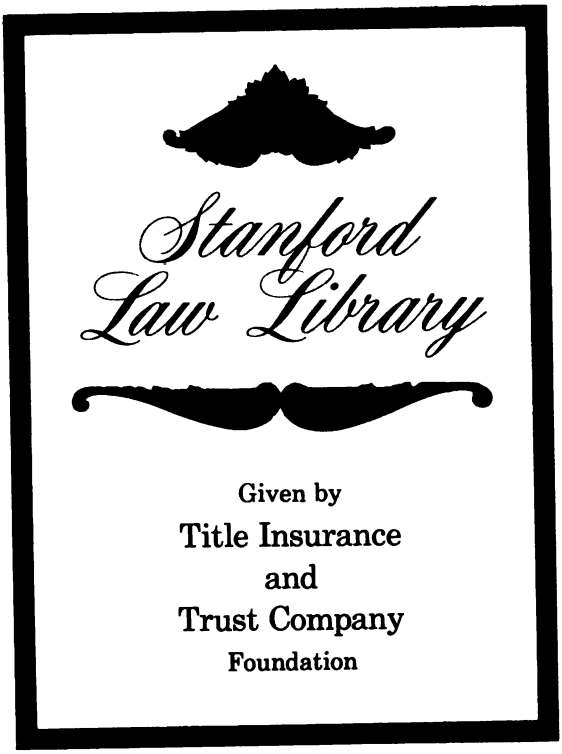
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`


Stanford
Law Library
Given by
Title Insurance
and
Trust Company
Foundation

STANFORD LAW LIBRARY

E. W. BYRNE,
LINCOLN'S INN.

A

DIGEST

OF

The Laws of England

RESPECTING

REAL PROPERTY.

By WILLIAM CRUISE, Esq.

BARRISTER AT LAW.

THE FOURTH EDITION,

REVISED AND CONSIDERABLY ENLARGED,

By HENRY HOPLEY WHITE, Esq.

BARRISTER AT LAW, OF THE MIDDLE TEMPLE.

IN SEVEN VOLUMES.

VOLUME VII.

CONTAINING

APPENDIX AND INDEXES.

LONDON:
SAUNDERS AND BENNING, LAW BOOKSELLERS,
(SUCCESSORS TO J. BUTTERWORTH AND SON,)
43, FLEET STREET.

1835.

LONDON:
PRINTED BY STEWART AND CO.
OLD BAILEY

CONTENTS

OF THE

SEVENTH VOLUME.

	Page
APPENDIX - - - -	1
Apportionment of Rents - - -	*ib.*
Escheat and Forfeiture of Real and Personal Property held in Trust - - -	4
Exchange of Lands lying in Common Fields -	6
Tithes - - - - -	10
Fines and Recoveries *(Ireland)* - -	12
Trust for the separate Use of a *Feme Coverte* restraining Anticipation - - -	15
Recovery—Tenant to the *Præcipe* - -	17
General Orders relating to the Acknowledgment of Dispositions by Married Women under 3 & 4 W. 4. c. 74. - - - -	19
ERRATA ET CORRIGENDA - - -	27
CHRONOLOGICAL TABLE OF STATUTES - -	29
NAMES OF CASES - - - -	43
GENERAL INDEX - - - -	127

*** Since the Appendix was printed, the Editor, through the kindness of Mr. BERE, the Counsel who made the application in the case of *ex-parte* Mary Gill, (1 Bing. N. S. p. 168.) noticed *infra*, pp. 14, 15. has been favoured with the sight of the affidavit made by Mary Gill: from this it appears that, by settlement made on her marriage with Hugh Gill, the estate was limited to her husband for life, with remainder to trustees during his life to preserve, with remainder to herself for life, with several remainders over. The Reporter, therefore, was mistaken in supposing Mary Gill's life estate contingent,—it was unquestionably vested, though reversionary. Leave was granted of course; the Court of C. P. could entertain no doubt under the circumstances of the application.

A DIGEST

OF

The Laws of England

RESPECTING

REAL PROPERTY.

APPENDIX.

APPORTIONMENT OF RENTS, &c.

THE subject of the apportionment of rents by statute is discussed in the third volume of this work. It is there stated that at common law, if a tenant for life died before the day on which the rent became due, where the lease determined by the death of the tenant for life, his executors could not claim an apportionment of the rent; nor could the remainder-man or reversioner claim that part of it which accrued during the life of the tenant for life: so that the tenant, as to that period of his tenancy, did not pay any thing. Tit. 28. ch. 3. s. 44. p. 306.

The statute 11 Geo. 2. c. 19. s. 15. which was passed to remedy this defect is there cited: it gives the executors of any such tenant for life, dying on the day of payment, the whole, if before that day, a proportional part of the rent. Mr. Cruise then remarks, that the statute only extended to rents reserved on leases which determined by the death of the lessor; for where the lease did not determine on that event, the person in remainder or reversion became entitled to the whole rent, due from the day of payment preceding the death of the tenant for life. In section 47 the editor observed, that it did not seem settled, whether the provisions of the above statute 11 Geo. 2. c. 19. extended to a lease not pursuant to the enabling statute, made by tenant in tail, and that the cases, which 11 Geo. 2. c. 19. s. 15. s. 46.

bear upon the point, have arisen between the executors of the tenant in tail and the remainder-man, and not between the tenant in tail and the lessee; and that all the cases appeared to have turned upon the fact of actual payment of the rent by the lessee to the rem- der-man. The reader is referred to the cases there cited (pp. 309—310.)

4 & 5 Will. 4. c. 22.

The recent statute 4 & 5 Will. 4. c. 22. (*a*) was passed to obviate the doubts which had existed respecting the statute 11 Geo. 2.; and to which in the preamble it refers in the following words: "Whereas doubts have been entertained whether the provisions of the recited act apply to every case in which the interests of tenants determine on the death of the person, by whom such interests have been created, and on the death of any life or lives, for which such person was entitled to the lands demised, although every such case is within the mischief intended to have been remedied and prevented by the said act, and it is therefore desirable that such doubts should be removed by a declaratory law; and whereas by law, rents, annuities and other payments, due at fixed or stated periods, are not apportionable (unless express provision be made for the purpose) from which it often happens that persons (and their representatives) whose income is wholly or principally derived from these sources, by the determination thereof, before the period of payment arrives, are deprived of means to satisfy just demands, and other evils arise from such rents, annuities, and other payments not being apportionable, which evils require remedy." The act then proceeds to enact, that rents reserved and made payable on any demise or lease of lands, tenements, or hereditaments, which have been and shall be made, and which leases or demises determined, or shall determine on the death of the person making the same, (although such person was not strictly tenant for life thereof) or, on the death of the life or lives for which such person was entitled to such hereditaments, shall, so far as respects the rents reserved by such leases, and the recovery of a proportion thereof by the person granting the same, his, or her executors, or administrators (as the case may be) be considered as within the provisions of the said recited act.

Rents reserved on leases determining on the death of the person making them (though not strictly tenant for life) or on the death of the tenant *pur autre vie*, to be considered as within the provisions of the recited act.

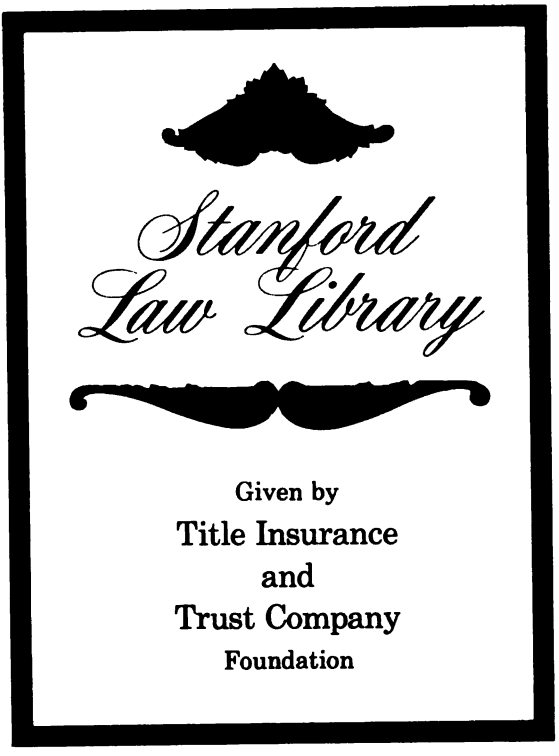
(*a*) This and the following acts, cited in the Appendix, were passed subsequently to the printing of the fifth volume of this work.

Section 2 enacts, that from and after the passing of the act all rents service reserved on any lease by a tenant in fee, or for any life interest, or by any lease granted under any power, (and which leases shall have been granted after the passing of the act) and all rents charge and other rents, annuities, pensions, dividends, moduses, compositions, and all other payments of every description in the united kingdom of Great Britain and Ireland, made payable, or coming due at fixed periods under any instrument that shall be executed after the passing of the act, or (being a will or testamentary instrument) that shall come into operation after the passing of the act, shall be apportioned so and in such manner, that on the death of any person interested in any such rents, annuities, pensions, dividends, moduses, compositions, or other payments as aforesaid, or in the estate, fund, office, or benefice from, or in respect of which the same shall be issuing or derived, or on the determination by any other means whatsoever of the interest of any such person, he or she, and his or her executors, administrators, or assigns, shall be entitled to a proportion of such rents, annuities, pensions, dividends, moduses, compositions, and other payments, according to the time which shall have elapsed from the commencement or last period of payment thereof respectively, (as the case may be) including the day of the death of such person, or of the determination of his or her interest, all just allowances and deductions in respect of charges on such rents, annuities, pensions, dividends, moduses, compositions, and other payments being made; and that every such person, his or her executors, administrators, and assigns, shall have such and the same remedies at law, and in equity, for recovering such apportioned parts of the said rents, annuities, pensions, dividends, moduses, compositions, and other payments, when the entire portion, of which such apportioned parts shall form part, shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire rents, annuities, pensions, dividends, moduses, compositions, and other payments, if entitled thereto; but so that persons liable to pay rents reserved by any lease or demise, and the lands, tenements, and hereditaments, comprised therein, shall not be resorted to for such apportioned parts specifically, as aforesaid, but the entire rents of which such portions shall form a part, shall be received and recovered by the person or persons, who, if

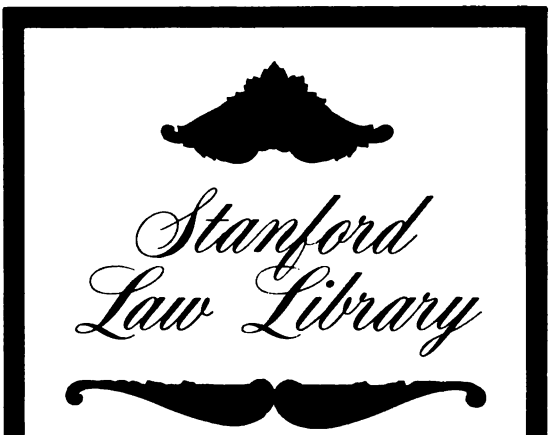
All rents, annuities and other payments coming due at fixed periods to be apportioned.

Subject to all just deductions.

Remedies for obtaining the apportioned parts.


Stanford
Law Library
Given by
Title Insurance
and
Trust Company
Foundation

STANFORD LAW LIBRARY


Stanford
Law Library
Given by
Title Insurance
and
Trust Company
Foundation

STANFORD LAW LIBRARY

the act had not passed, would have been entitled to such entire rents; and such portions shall be recoverable from such person or persons by the parties entitled to the same under the act, in any action or suit at law, or in equity.

Act not to apply to certain cases.

The third section provides, that the provisions in the act contained, shall not apply to any case in which it shall be expressly stipulated that no apportionment shall take place, or to annual sums made payable in policies of assurance of any description.

ESCHEAT AND FORFEITURE OF REAL AND PERSONAL PROPERTY HELD IN TRUST.

Vol. I. pp. 412. 447-8. Vol. III. pp. 402. &c. 417—419.

The reader is referred to former pages of the present work, for some observations respecting the forfeiture and escheat of trust property, through the attainder for felony or treason of the trustee, or his dying without heirs. The recent statute 4 & 5 Will 4. c. 23. was passed to amend the laws on those subjects. It recites, that whereas great inconvenience has been found to result to persons beneficially entitled to real or personal property, by the escheating or forfeiture thereof to his Majesty, to corporations, to lords of manors, and others, in consequence of the death without heirs, or the conviction for treason or felony of a trustee, in whom or in whose name the same is vested, and that it was expedient that the same should be remedied.

4 & 5 Will. 4. c. 23.

If trustee or mortgagee of any land die without an heir, the Court of Chancery may appoint a person to convey.

After fixing the sense to be attached to various words in the act, the second section enacts, that where any person seised of any land, upon any trust or by way of mortgage, dies without an heir, it shall be lawful for the Court of Chancery to appoint a person to convey such land in like manner as is provided by statute 11 Geo. 4. and 1 Will. 4. c. 60.; (*a*) in case such trustee or mortgagee had left an heir, and it was not known who was such heir, and such conveyance shall be as effectual as if there was such heir.

Lands, &c. vested in any trustee shall not be escheated by reason of the attainder or conviction of such trustee.

By section 3 it is enacted, that no lands, chattels, or stock, vested in any person upon any trust, or by way of mortgage, or any profits thereof, shall escheat or be forfeited to his Majesty,

(*a*) The reader will find the clauses in the act, referred to in Vol. IV. p. 18. s. 29. and note (*a*). In re Goddard, 1 Myl. & K. 25. Vol. V. p. 119. s. 20.

his heirs, or successors, or to any corporation, lord of a manor, or other person, by reason of the attainder or conviction for any offence of such trustee or mortgagee, but shall remain in such trustee or mortgagee, or survive to his co-trustee, or descend or vest in his representative, as if no such attainder or conviction had taken place.

To whom and to what cases the provisions of the act shall extend.

By section 4 it is enacted, that the several provisions of the act shall extend to every case of a trustee having some beneficial estate or interest in the same subject, or some duty as trustee to perform, and also to every case of a trust arising or resulting by implication of law or by construction of equity.

The act not to prevent the escheat of any beneficial interest.

By section 5 it is enacted, that nothing therein contained shall prevent the escheat or forfeiture of any land, chattels, or stock, vested in any such trustee or mortgagee, so far as relates to any beneficial interest therein of any such trustee or mortgagee, but such land, chattels, or stock, so far as relates to any such beneficial interest, shall be recoverable in the same manner as if the act had not passed.

Where any person possessing lands, &c., as a trustee shall have died without heirs, or have been convicted before the passing of the act, the lands, &c. shall become subject to the control of the Court of Chancery.

Section 6, after declaring that it is expedient to relieve persons beneficially entitled to real or personal property, which has already escheated or become forfeited to his Majesty, to corporations, to lords of manors, or others by any of the means aforesaid, enacts, that in all cases where before the passing of the act, any person possessed of, or entitled to any land, chattels, or stock, or any right to or interest in any land, chattels, or stock, as a trustee thereof, either in whole or in part, or jointly with some other trustee or trustees, shall have died without an heir, or shall have been convicted of any offence, whereby the said land, chattels, or stock, or any of them have escheated, or been forfeited, or have become subject to any escheat or forfeiture, then and in every or any such case the said land, chattels, or stock, or the right thereto or interest therein, which hath escheated or been forfeited, or become subject to escheat or forfeiture by reason thereof, shall be subject to the order, control, and disposition of the Court of Chancery, for the use of the party beneficially interested therein, in such manner and subject in all respects to such rights and incidents, and to such orders and regulations of the said Court, under the provisions of the said act of the 11th year of King George the Fourth, and of the first year of his present Majesty, as if such person so dead

without an heir, or so convicted as aforesaid, were out of the jurisdiction of, or not amenable to the process of the said Court, without having been so convicted. And it was thereby provided that nothing in the said sixth clause contained, shall extend to any land, chattels, or stock, at the time of the passing of the act vested in any person by virtue of any grant thereof made, subsequently to the time when such escheat or forfeiture first occurred, or to any lands, chattels, or stock, which more than twenty years prior to the passing of the act shall have been actually vested in possession or reduced into possession by the party entitled thereto, by virtue of any such escheat or forfeiture.

Proviso.

EXCHANGE OF LANDS LYING IN COMMON FIELDS.

In Vol. III. pp. 80-81. and Vol. V. p. 5. some observations will be found upon the subject of enclosure of common lands, and to which the reader is referred. The object of the recent statute 4 & 5 Will. 4. c. 30. is to facilitate exchanges of pieces of land lying intermixed, and dispersed in common fields, meadows, and pastures, for other pieces of land, either lying therein, or being part of the enclosed lands in the same or any adjoining parish.

4 & 5 Will. 4. c. 30.

In the general inclosure act, 41 Geo. 3. c. 109. there is a provision (s. 15.) authorising the commissioners to allot by way of exchange, any lands, &c., new allotments or old enclosures in one parish, in lieu of other lands, &c., new allotments or old enclosures within the same parish, or other adjoining parishes or places, so that such exchanges were made with the consent of the owners or other persons therein specified, and, if the lands &c. were held in right of any church, or other ecclesiastical benefice, with the consent of the patron and bishop of the diocese. But the act does not contain any provision for communicating to the lands received in exchange, the title which governed the lands given in exchange. Such a clause is usually introduced into local inclosure acts, by means of which, as a learned author justly observes, a change of *land* is effected between the exchanging parties, but not a change of *title*. Where

1 Prest. Ab. 162.

this clause was wanting it has been the general practice to investigate the title both of the lands given and the lands taken in exchange, frequently involving vendors whose titles are so circumstanced in great difficulty and expense. The recent statute 4 & 5 Will. 4. c. 30. which extends to England and Wales, (s. 28.) remedies the evil above alluded to, and by section 24 enacts that from and immediately after any such deed of exchange as thereinbefore mentioned, shall have been duly executed by the necessary parties; the land, which by such deed is given in exchange, shall be exonerated and discharged from the uses, trusts, powers, conditions, limitations, and restrictions, charges and incumbrances then affecting the same, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations, and restrictions, charges and incumbrances, as affected the land taken in exchange at the same date; and the land so taken in exchange shall be exonerated and discharged from all uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances then affecting the same, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances, as affected the lands given in exchange at the same time.

4 & 5 Will. 4. c. 30.

Lands given in exchange to be exonerated from the uses affecting them at the time, and to become subject to such uses as affected the lands taken.

And by section 25, it is enacted that no person to whom any land shall have been granted or conveyed in exchange, according to the provisions of the act, shall at any time thereafter be evicted from the peaceable and quiet possession of such land, by reason or in consequence of any person claiming right thereto, through any title prior to that of, or through any defect of title in, the person by whom such land may have been granted or conveyed; but nevertheless, it shall be lawful for the person claiming such right; and he is thereby authorized and empowered to use, exercise, and enjoy all such, and the same powers and remedies in trying his right to, and in obtaining and recovering possession of, the land, which shall have been granted or conveyed in exchange, as the person so claiming would, in case the act had not been made, have been enabled to use, exercise, or enjoy, in trying the right to, and recovering the possession of the land, in exchange for which, the same shall have been so granted or conveyed under the authority of the act.

After exchange party not to be evicted.

Doubts have been entertained, whether the exchange clause

in the general inclosure act authorised the exchange of freehold for copyhold; but now by the glossary clause, (27) of the recent statute, the word "land" is made to extend to every species of land of every tenure.

Proprietors of lands in common fields may exchange the same.

By section 1, it is enacted, that from and after the passing of the act, it shall be lawful for any person who shall be seised or possessed of, or entitled in possession to, any land, in any common field, as tenant in fee simple, or in fee tail, general or special, or for life or lives, or by the curtesy of England, or for any other estate of freehold, or for years, determinable on any life or lives, or for any term of years, whereof one hundred years shall be unexpired, and for the guardian, trustee, feoffee, for charitable or other uses, husband or committee, of such person, who, at the time of making any exchange authorised by the act, shall be an infant, idiot, lunatic, or feme covert, or under any other disability, by such deed, and with such consent as thereinafter mentioned, to grant and convey such land, or any part thereof, to any other person in lieu of, and in exchange for any other land, whether lying in the same or any other common field, or for any inclosed land lying within the same, or any adjoining parish, and to accept and take from such other person any land in lieu of, and in exchange for the land, in such common field.

All persons enabled to give land in exchange for such common field land.

By section 2, it is enacted, that it shall be lawful for any person who shall be seised, or possessed of, or entitled in possession to any land, which it may be desirable to exchange for the land in such common field, whether such person shall be tenant in fee simple or in fee tail, general or special, or for life or lives, or by the curtesy of England, or for any other estate of freehold, or for years, determinable on any life or lives, or for any term of years, whereof one hundred years shall be unexpired, and for the guardian, trustee, feoffee, for charitable or other uses, husband or committee, of such person who shall be an infant, idiot, lunatic, or feme covert, or under any other disability, to consent and agree to such exchange, and to grant and convey such land to the person proposing to make such exchange, in lieu of, and in exchange for the land lying in such common field, subject to the provisions thereinafter contained.

Land given in exchange by persons having limited interests to be of equal

By section 3, it is provided, that when any such exchange shall be made by any person having a less estate or interest than in fee simple in the land, to be by him granted or conveyed in

exchange, or shall be made by any person under any disability, the land to be so taken in exchange, shall at the time of making such exchange be, or shall by the payment of a sufficient sum for equality of exchange, be made, of equal value with, or not of less value than, the land to be granted or conveyed in exchange.

value with lands taken.

By section 4, it is enacted, that whenever any exchange shall be proposed to be made under the authority of the act, and either of the parties thereto shall have a less estate or interest in the land to be by him granted or conveyed in exchange than a fee simple, or shall be under any disability, such exchange shall not be completed, unless the person to whom the next immediate vested estate of freehold in remainder or reversion shall have been limited (provided such person shall be of the full age of twenty-one years, and being a female, shall be unmarried,) shall consent thereto, and shall testify such consent by signing the draft deed of exchange thereinafter mentioned, and such consent shall be sufficient for the purpose of authorising such exchange, notwithstanding the person giving the same, may have an equitable estate only in the land intended to be conveyed in exchange, or may have previously disposed of, or charged, or incumbered his reversionary estate therein. And it is thereby provided, that if the person to whom such next immediate vested estate in remainder or reversion may have been limited, shall, at the time of such exchange, happen to be an infant or feme covert, or an idiot or lunatic, then and in such case it shall be lawful for the guardian, or husband, or committee of such infant, femé covert, idiot or lunatic, (such guardian, husband, or committee, not being himself the person by whom the exchange is proposed to be made) to consent to such exchange, and to sign the draft deed of exchange, in his or her stead; provided that whenever the guardian, or husband, or committee of such infant, feme covert, idiot or lunatic, shall himself be the person by whom such exchange is proposed to be made, then and in such case it shall be lawful for the Court of Chancery, upon petition to be preferred to the said court in a summary way, to appoint a person to act as protector to such infant, feme covert, idiot or lunatic, for the purposes of the act; and if he shall think fit so to do, to consent to such exchange, and to sign the draft deed of exchange in the stead of such infant, femé

If exchange made by any person having only a limited interest, or being under disability the consent of the person next in remainder to be obtained.

In case the person next in remainder should be an infant, &c.

covert, idiot or lunatic, or of his or her guardian, husband, or committee.

The 5th section declares what consent shall be requisite to effectuate any exchange of lands held in right of any ecclesiastical benefice.

The following sections, 6 to 11 inclusive, provide for the execution of the deeds of exchange and their registration.

And sections 12 to 22 inclusive, relate to the depositing of the deed of exchange with the Clerk of the Peace, and the course of procedure requisite in case objections are made to the deed.

Section 23. It is to be inferred from the marginal note, that this section was intended to provide for the application of money paid for equality of exchange, where the party entitled to receive it is *under disability:* but through the omission of some essential words, after the clause within a parenthesis, and to follow the word "be," the whole section of the act is unintelligible. The clause, as it now stands, absurdly directs that the *party*, instead of the *money* (if exceeding twenty pounds), shall be paid with all convenient speed into the Bank of England.

It would seem, that the above mistake will materially curtail the beneficial operation of the act, in all cases where money is to be paid for equality of exchange to persons incapable of giving a discharge, by reason of the disabilities of infancy, lunacy, idiotcy, or coverture.

It is much to be regretted that similar mistakes do not unfrequently occur in modern acts of parliament.

Section 24 contains the general saving clause; and section 27 is the glossary clause, declaring the meaning to be assigned to words occurring in the act, particularly the words "person," "benefice," and "land."

TITHES.

In Vol. III. pp. 51, 52, the leading enactments are noticed of the stat. 2 & 3 Will. 4. c. 100. for shortening the time required in claims of *modus decimandi*, or exemption from or discharge of tithes. That act has been amended by the recent statute

4 & 5 Will. 4. c. 83. the preamble of which, states the necessity for the amendment. After reciting that certain provisions were made by the former act, limiting the period within which, in cases of claims of a *modus decimandi*, the payment or render of such modus, and in cases of claims of or to any exemption from, or discharge of tithes, by composition real or otherwise, the enjoyment of the land without payment or render of tithes or money, or other matter in lieu thereof, should be shown to have taken place. And further reciting that it was by the said act further enacted, that nothing therein contained should be prejudicial or available, to or for any plaintiff or defendant in any suit or action relative to any of the matters therein mentioned, then commenced or which might be thereafter commenced during the then session of Parliament, or within one year from the end thereof: and that since the passing of the said act, a great number of suits had been instituted for the recovery of tithes, under the apprehension on the part of the plaintiffs, that they would be precluded by the said act from recovering the tithes to which they claimed to be entitled, unless they prosecuted their claims within the periods limited by the said act; and further stating that it was deemed advisable to enable the defendants in such suits, to cause all further proceedings therein to be suspended until the end of the then next session of Parliament, upon the terms thereinafter expressed. It was enacted, that from and after the passing of the act, it shall be lawful for the defendant, in any action or suit which may have been commenced or instituted since the passing of the act for the recovery of tithes or for invalidating claims of a *modus decimandi*, or an exemption from or discharge of tithes for lands, in respect whereof, no tithes, nor any composition in lieu thereof, shall have been actually rendered or paid within the space of sixty years previous to the passing of the act, with the consent of the plaintiff in such action or suit, to pay the amount of the costs and expenses, (to be taxed as between party and party) which may have been incurred on the part of the plaintiff into the Bank of England, in the name and with the privity of the Accountant General of the Court of Chancery or Exchequer, or of the proper officer of the Court in which such action or suit shall have been brought, and where such costs and expenses shall be so paid into Court, all further proceedings (except as

4 & 5 Will. 4. c. 83.

Proceedings stayed on defendants paying costs into court.

after provided) shall be stayed until the end of the then next session of Parliament.

Plaintiff to give notice to defendant of his intention to proceed.

Section 2. enacts that after the end of the then next session of Parliament, it shall be lawful for the plaintiff, in any action or suit, in which the defendant shall have caused the proceedings to be stayed, under the provision thereinbefore contained, to give notice to the defendant of his intention to proceed in such action or suit, and to proceed therewith accordingly; and in every such case the defendant shall, immediately after such notice so given, be entitled to receive out of Court, the sum which such defendant shall have previously paid into Court on account of the costs of the plaintiff.

Section 3 provides that if the plaintiff accepts the costs, all proceedings shall be abandoned.

Section 4 extends the former provisions to the successors, heirs, executors, administrators, or assigns of any plaintiff, whose action or suit may be so stayed.

Section 5 provides that the Judges may upon sufficient cause shown, permit actions to be proceeded with.

Section 6 provides, that nothing in the act contained shall prevent the prosecution of any suit in law or equity for the recovery of tithes claimed or demanded previous to the passing of the said recited act, or for the recovery of the value thereof.

FINES AND RECOVERIES. *(Ireland.)*

4 & 5 Will. 4. c. 92.

Since the fifth volume of this work was printed the statute 4 & 5 Will. 4. c. 92. has been passed, for abolishing fines and recoveries in Ireland, and for the substitution of more simple modes of assurance. The stat. 3 & 4 Will. 4. c. 74. as observed in Vol. V. p. 63, did not extend to Ireland, except in some particulars there noticed. With a few alterations, the Irish is an echo of the English act, with the omission of those clauses in the latter which are not applicable to Ireland; such as those which relate to lands held by the tenure of ancient demesne (ss. 4,5,6.) and to copyholds (ss. 50, 51, 52, 53, 54. 66. 76. 90.), which tenures have no existence in Ireland.

A doubt has been entertained in reference to the statute

3 & 4 Will. 4. c. 74., whether by virtue of s. 77. a married woman trustee can "*disclaim,*" by a disposition duly acknowledged according to the act: and the Editor ventured to express his opinion in a former volume (IV. p. 19. note), that she might; and his reason for that opinion was, that although there might not be words in the clause, which technically and strictly applied to the interest of the *feme covert* trustee, which, until the trust is accepted, is a potential rather than an actual "estate," yet that it would be in entire accordance with the spirit and intent of the act, to construe a disclaimer within the operation of the clause, as the act is intended to substitute assurances for fines and recoveries; and before the act a feme covert trustee might have disclaimed by fine. And by the glossary clause, s. 1. the word "*estate*" extends to any "*interest*" *in, upon, or affecting lands,* either at law or in equity. With respect to Ireland, this question is obviated by the introduction of the word "disclaim" into section 68., which corresponds with section 77 of the English act.

The clauses relating to "money land" and to bankruptcy, which in the English act are made applicable to Ireland, are re-enacted in the Irish act.

Section 22 is a new and important clause, not in the English act. It empowers persons to dispose of contingent estates and interests in lands by any assurance, whether by deed or will or other instrument, by which they might dispose of the estate or interest if vested. The following are the words of the clause: "That from the 31st October, 1834, it shall be lawful for any person, either before or after he shall become entitled in any manner, except as expectant heir of a living person, or as expectant heir of the body of a living person, to an estate in lands, not being a vested estate, and whether he be or be not ascertained as the person, or one of the persons, in whom the same may become vested, to dispose of such lands, for the whole or any part of such estate therein, by any assurance, whether deed, will, or any other instrument, by which he could have made such disposition, if such estate were a vested estate in possession: provided nevertheless that no such disposition shall be valid or have any effect, where the person making the same, shall not, at the time of the disposition, have become entitled to such estate, unless the deed, will, or other instrument, by virtue Sec. 22.

of which he may become entitled, be existing and in operation at the time of the disposition."

It has been considered doubtful whether, under the English act, a feme covert could, by deed, dispose of contingent estates and interests.

The recent decision of *ex parte* Mary Gill, 1 Bing. N. S. 168., in the C. B., would, if law, seem to remove this doubt. In that case, upon an affidavit that the husband of the applicant had absconded in 1831, after committing an act of bankruptcy, had never been heard of since, but was believed to be in America, leave was obtained, under the 3 & 4 Will. 4. c. 74. ss. 77. 91., to pass her contingent life interest in certain freehold property. By section 91. it is enacted, that if a husband shall, in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, or shall from any other cause be incapable of executing a deed, or of making a surrender of lands held by copy of court-roll, or if his residence shall not be known, or he shall be in prison, or shall be living apart from his wife, either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Court of Common Pleas at Westminster, by an order to be made in a summary way, upon the application of the wife, and upon such evidence as to the said Court shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by the act or otherwise; and all acts, deeds, or surrenders, to be done, executed, or made by the wife, in pursuance of such order, in regard to lands of any tenure, or in regard to money subject to be invested in the purchase of lands, shall be done, executed, or made by her in the same manner as if she were a feme sole; and when done, executed, or made by her, shall (but without prejudice to the rights of the husband, as then existing independently of this act) be as good and valid as they would have been if the husband had concurred. And it was thereby provided, that that clause shall not extend to the case of a married woman, where, under the act, the Lord Chancellor, Lord Keeper, or Lords Commissioners for the custody of the great seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot,

Court of Common Pleas in the case of a husband being lunatic, &c., may dispense with his concurrence, except where the Lord Chancellor or other persons intrusted with lunatics, or the Court of Chancery shall be the protector of a settlement in lieu of the husband.

and of unsound mind, or his Majesty's High Court of Chancery, shall be the protector of a settlement in lieu of her husband.

Section 77 of the act will be found, Vol. IV. pp. 18, 19. That section authorises a married woman in conformity with the provisions of the act, to dispose of any estate in lands as fully as she could do if she were a feme sole. As a feme sole, independently of the act, she could not at law by deed have conveyed a contingent interest; but it would seem that the Court of C. B. was of opinion that the act authorises such a disposition.

Vide supra, Vol. VI. Tit. 38. c. 20. note to s. 51.

As the application in the above case was *ex parte*, most probably the point was not pressed upon the attention of the Court, otherwise it is conceived it would have come to a different determination. (*a*)

TRUST FOR THE SEPARATE USE OF A FEME COVERTE RESTRAINING ANTICIPATION.

A question has arisen whether the 77th section of the stat. 3 & 4 Will. 4. c. 74., will enable a *fême coverte*, with the concurrence of her husband, to convey or defeat her interest in real estate, settled to her separate use, in the usual form, restraining anticipation during coverture.

This provision for the protection of married women originated with Lord Thurlow in Miss Watson's case, (18 Ves. 434.) and has ever since been fully recognised by the succeeding Judges in courts of equity, (2 Mer. 487, 488). The decisions of the present Chancellor (Woodmeston *v.* Walker, and Brown *v.* Pocock, 2 Rus. & Myl. 204—212) and Vice-Chancellor, (Newton *v.* Reid, 4 Sim. 141.), which show that the restraint is not effectual in the case of a *fême sole*, even as a provision for future marriage, generally, proceed upon, and fully confirm the distinction between that case, and the provisions made for coverture actually existing, or in immediate contemplation.

The whole system both of private settlements, and still more of settlements by the Court of Chancery on its wards, proceeds upon the assumption that such restraint upon alienation is effectual; and the consequences would indeed be serious, if, by a side wind, the late act were allowed to subvert it. But it is conceived that the act will have no such operation.

(*a*) See the observations on section 77 of the above act, in page 16 infra.

The interest which a *fême coverte* derives from this trust of real estate for her separate use, is of a very peculiar nature; it is constructed by equity for an especial purpose; and it may be considered as conferring upon her a right to receive the rents and profits accruing *de anno, in annum;* as being, in effect, not in her, until the yearly or other period of payment arrives; so that unless the assurances, under the recent statute, operate by estoppel, (which it seems clear they do not) it may be thought that on this ground alone, she would be disabled from passing more than the rent actually due.

But the answer which more directly negatives the construction now under consideration, is that the power of alienation conferred on a married woman by the 77th section, is given by express reference to that which was possessed by a *fême sole* at the passing of the act: the words of the act are "as fully and effectually as she could do, if she were a *fême sole.*" There is a parallelism (so to speak) established by the act, a conformity of ownership recognised, between the *fême coverte* and the *fême sole;* and a co-extensive power of alienation thereby conferred upon the former, in reference to that enjoyed by the latter, independently of the act. The obvious inference, therefore, is, that the legislature never intended to include an interest, which a *fême sole* can never have; an interest conferred by the trust for separate use, with a restraint upon alienation *during coverture;* an interest confessedly *sui generis*, which equity has constructed for the protection of a *fême coverte* only.

The general scope of the act is also to be considered: it professes to provide a substitute for fines and recoveries: and it is quite clear that the power of alienation, supposed to result from the extensive wording of the 77th section, could not previously have been attained through the medium of a fine or recovery. It may be further urged in objection to this construction of the section, that, if it empowers the husband and wife to dispense with the restraint upon alienation, that uniformity will be henceforth destroyed, which has hitherto regulated the administration of equitable jurisdiction, regarding trusts for the separate use of married women. For as the act applies to dispositions of *real* estate only, the law, as to personalty, remains unaltered; so that the restraint upon alienation during coverture, which, when affecting the latter description of property, would be enforced in

equity, might, when applied to the former, through the medium of the act, be rendered nugatory: and thus in the administration of the same identical trust, one law would be established for real, and another for personal estate.

The serious consequences which would result, from the adoption of such a construction of the 77th section of the act, as that above noticed, must serve as the Editor's apology for this prolonged discussion, which he now dismisses with the hope, if not with the conviction, that the construction suggested will not meet with any countenance from the profession or the bench.

RECOVERY—*Tenant to the Præcipe.*

It has long been an unsettled point whether the tenant to the *præcipe* in a prior recovery, defective on account of the actual freehold being outstanding, was a necessary party in a new recovery, either as being himself the tenant to the *præcipe* in such new recovery, or as concurring in the conveyance to a new tenant. The reader will find the subject discussed by Mr. Preston, in his Treatise on Conveyancing, vol. i. p. 90. *et seq.* He there observes (p. 92.) "But whenever it shall be necessary to support a title, on an adverse litigation, merely on account of the want of such conveyance, it may be contended, (and it would seem with great chance of success) that the former recovery was good, as between the parties; that the estate conveyed to the tenant was drawn out of him, by the operation of the recovery; and that the declaration of the uses governs the legal title as between the parties."

This reasoning was adopted by Sir L. Shadwell, V. C. in a recent case. There estates in Kent had been conveyed unto and to the use of Thomas Charlton and John Charlton, and the heirs and assigns of Thomas; nevertheless as to the estate of John in trust for Thomas, his heirs and assigns. Thomas, by will in 1791, devised his real estates to his son Thomas in tail, and died in 1793. In 1800, Thomas, the son, (without the concurrence of John Charlton, the trustee, who was then living) conveyed the estates to Robert Debary, in fee to make him tenant to the *præcipe*, for suffering a recovery to enure to the use of Thomas,

In re Debary, 5 Sim. 283.

the son, in fee. Thomas afterwards sold portions of the estates. Richard Debary died in 1826, intestate, leaving four infant sons his co-heirs in gavelkind. Objections having been taken by the purchasers to the recovery in 1808, it was proposed that a new recovery should be suffered by Thomas, the son, (John, the trustee, being then dead.) On a petition by Thomas, the son, and the purchasers under the 11 Geo. 4. & 1 Will. 4. c. 60. a reference was made to the Master to enquire whether the sons of Debary were infant trustees under the Act, who certified his opinion in the negative. Upon a further petition the Vice-Chancellor concurred with the Master, and declared that no legal estate was vested in the infant co-heirs of Richard Debary, and refused to make any order on the petition: his honour observed, although the recovery did not bar the estate tail, it had the effect of drawing out the legal estate, which was vested in Debary, for the purpose of making him tenant to the *præcipe*.

It may be observed, that this reasoning rests entirely on the proposition that the recovery is voidable, and not void; there seems some ground for contending that as the tenant to the writ had not the freehold, so nothing could be recovered against him, and he could have no recompense in value against the vouchee for what he had lost. It may therefore be urged that the recovery was nugatory, and that the legal fee remained in Debary. The point, however, would seem now to be one rather of speculation than of practical importance, for the 11th section of the 3 & 4 Will. 4. c. 74. remedies the defect above mentioned. See Vol. V. p. 353. (*a*)

GENERAL ORDERS (*a*)

Relating to the Acknowledgment of Dispositions by Married Women, under 3 & 4 *Will.* 4. *c.* 74.

The following General Orders were made in Michaelmas Term, 1833; they are revoked by the orders made in the following Hilary Term, 1334; but as such revocation is with a proviso that it shall not be construed to invalidate any proceedings, which, before the 1st day of March then next ensuing, (1834) shall have been taken pursuant to the direction of the said rules of Michaelmas Term, it was thought proper to insert them here, in reference to dispositions made in the interim between Michaelmas Term, 1833, and Hilary Term, 1834.

Infra, p. 23.

The Orders of Michaelmas Term, 1833. (*b*)

Whereas by the 48th section of the statute made in the 3d & 4th years of the reign of his present Majesty, chapter 74, intituled "An act for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance," the Court of Common Pleas is authorised from time to time, to make alterations in the memorandums and certificates in the said section mentioned.

Fines and recoveries.

And whereas, by the 89th section of the said act, it is enacted, "That the Lord Chief Justice of the Court of Common Pleas, at Westminster, shall from time to time appoint the person who shall be the officer, with whom, such certificates as in the said act are mentioned, shall, for the time being, be lodged, and may remove him at pleasure; and that the Court of Common Pleas, at Westminster, shall, also from time to time, make such orders and regulations as the said Court shall think fit, touching the mode of examination to be pursued by the Commissioners, to be appointed under the said act, and touching the particular matters to be mentioned in such memorandums and certificates as therein mentioned, and the affidavits verifying the certificates, and the time within which any of the aforesaid proceedings

(*a*) Referred to Vol. V. p. 117. note. (*b*) See Moore & Scott, Rep. vol. iii. p. 871.

shall take place." Now it is ordered that in addition to the form of the certificate mentioned in the 84th section of the said act, after stating the names of the parties and the words, " and acknowledge the same to be her act and deed," the following words should be inserted, " and I [*or* we] do further certify, that the several premises comprised in the said indenture, are situate in the parish [*or* several parishes] and place [*or* places] following, that is to say, in the parishes of ——, [*as the case may be*], in the county of ——."

Certificate.

One of the commissioners at the least not to be concerned for the parties.

And it is further ordered, that, where the acknowledgment shall be made before Commissioners appointed under the said act, one at least of the said commissioners shall be a person who is not concerned as the attorney, solicitor, or agent, or clerk to the attorney, solicitor, or agent, of any of the parties in the transaction giving occasion to the taking such acknowledgment; and that, in the affidavit verifying the certificate, it shall be deposed, in addition to the verification thereof, that one or more of the persons making such affidavit, knew the person or persons making such acknowledgment, and that at the time of making such acknowledgment, the person or persons making the same was or were of full age and competent understanding, and that one at least of the Commissioners taking such acknowledgment, is not the attorney, solicitor, or agent, or clerk to the attorney, solicitor, or agent, of any of the said parties; and that the names and residences of the said Commissioners, and also the place or places where such acknowledgment or acknowledgments shall be taken, shall be mentioned in such affidavit.

Form of affidavit.

Inquiry to be made of married women.

And it is further ordered, that the Commissioners do enquire of married women, whether they intend to give up their interest in the estate to be passed by such deed, without having any provision made for them in return for, or in consequence of their so giving up such interest; and if it appears that any provision is to be made for any such married woman, they shall not take her acknowledgment until they are satisfied that such provision has been actually made; and one of the said Commissioners shall state in the affidavit so to be made as aforesaid, that such inquiry was made, and also the answer given thereto; and where any such provision has been agreed to be made, that he the said Commissioner is satisfied that the same has been made; and where such married woman, in answer to such in-

quiry, shall declare that she intends to give up her interest without any provision, that he, the said Commissioner, has no reason to doubt the truth of such declaration, and verily believes the same to be true.

Affidavits verifying certificates.

And it is hereby further ordered that the affidavits verifying such certificate, where the acknowledgment is taken by a Judge or Master in Chancery, be in the form hereunto annexed, marked A.; and where before any of the Commissioners appointed in pursuance of the said act, in the form hereunto annexed, marked B., with such variations only as the circumstances of the case shall render necessary.

Certificates and affidavits to be delivered within one month to the proper officer.

And it is hereby further ordered, that the certificates and the affidavits verifying the same, shall be delivered to the officer to be so appointed within one month from the making the acknowledgment, and that the officer shall not receive the same after that time, without the direction of the Court or a Judge.

A.

Form of Affidavit verifying the certificate where the acknowledgment is taken before a Judge or Master in Chancery.

A. B. of —— maketh oath and saith, that he knows ——, the wife of ——, in the certificate hereunto annexed, mentioned; and that the acknowledgment therein mentioned was made by the said ——, and the said certificate signed by the said —— [Judge or Master,] therein mentioned, in the presence of this deponent. And this deponent further saith, that the said —— was at the time of making such acknowledgment, of full age and competent understanding.

B.

Form of Affidavit verifying the certificate where the acknowledgment is taken by any of the Commissioners appointed in pursuance of the Act of Parliament.

A. B. of ——, in the county of ——, gentleman, one of the attorneys of his Majesty's Court of ——, at Westminster, and one of the Commissioners named in the certificate hereunto annexed, maketh oath and saith, that he knows ——, the wife of ——, in the said certificate mentioned, and that the acknowledgment therein mentioned was made by the said ——, and the certificate signed by the Commissioners in the said cer-

tificate mentioned, on the day and year therein mentioned, at ——, in the county of ——, in the presence of this deponent; and that at the time of making such acknowledgment, the said ——, was of full age and competent understanding; and that the said ——, knew the same acknowledgment was intended for the passing her estate and estates in the premises respecting which such acknowledgment was made. And this deponent further saith, that he, this deponent, [or the said J. K., *as the case may be, adding, if not the Commissioner making the affidavit,* whose place of residence is at ——,] is not concerned as the attorney, solicitor, or agent, or clerk to the attorney, solicitor, or agent, of any or either of the parties to the transaction, giving occasion to the taking such acknowledgment. And this deponent further saith, that, in pursuance of the order made by the Court of Common Pleas, in Michaelmas Term, 1833, the said Commissioners, did inquire of the said ——, [*or, if more than one* of each of them the said ——,] whether she intended to give up her interest in the estates, in respect of which such acknowledgment was taken, without having any provision made for her in return for, or in consequence of her so giving up her interest in such estates; and that in answer to such inquiry the said —— declared that she did intend to give up her interest in the said estates without having any provision made for her in return for, or in consequence of her so giving up her interest; which declaration of the said —— this deponent has no reason to doubt the truth of,——, and verily believes the same to be true, [or declared that a provision was to be made for her in consequence of her giving up her interest in the said estates:] and this deponent before her acknowledgment was so taken, was satisfied, and does now verily believe that such provision has been made.

N. B. When the whole of the facts cannot be spoken to by one deponent, the necessary alterations must be made, to enable more than one deponent to state their respective parts of it.

The Orders of Hilary Term, 1834. (*a*)

Fines and Recoveries.

Whereas, it has been found expedient to make alterations in the General Rules made in Michaelmas Term last, by this Court, for the purpose of carrying into effect the statute passed in the

(*a*) 10 Bing. 458. Referred to Vol. V. p. 117. note.

third and fourth years of the reign of his present Majesty, cap. 74. intituled, " An Act for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance."

And whereas, it is necessary to make orders touching the amount of the reasonable fees and charges to be taken by the several persons appointed to carry the powers of the said act into execution; and it will be convenient that all the orders and regulations made by the Court under the said act shall be contained in the same rule.

Now it is hereby ordered that the said General Rules be, and the same are, hereby revoked: provided that this present rule shall not be construed in any respect to invalidate any proceedings which, before the first day of March next ensuing, shall have been taken, pursuant to the direction of the said rules of Michaelmas Term last.

And it is hereby further ordered that where any acknowledgment shall be made by any married woman of any deed under, and by virtue of the said act, before Commissioners appointed under the said act, one at least of the said Commissioners shall be a person who is not in any manner interested in the transaction, giving occasion for such acknowledgment, or concerned therein, as attorney, solicitor, or agent, or as clerk to any attorney, solicitor, or agent, so interested or concerned.

And it is further ordered, that before the Commissioners shall receive such acknowledgment, they, or in case one of them shall be interested or concerned as aforsaid, then such one of them as shall not be so interested or concerned, do inquire of every married woman, separately and apart from her husband, and from the attorney or solicitor concerned in the transaction, whether she intends to give up her interest in the estate to be passed by such deed, without having any provision made for her in lieu of, or in return for, or in consequence of her so giving up such interest; and where such married woman, in answer to such inquiry, shall declare that she intends to give up such her interest without any provision, and the said Commissioners shall have no reason to doubt the truth of such declaration, and shall verily believe the same to be true, then they shall proceed to receive the said acknowledgment; but if it shall appear to them, or to such one of them as aforesaid, that it is intended that provision is to be made for any such married woman, then the Commis-

sioners shall not take her acknowledgment until they are satisfied that such provision has been actually made by some deed, or writing, produced to them; or, if such provision shall not have been actually made before, then the Commissioners shall require the terms of such intended provision to be shortly reduced into writing, and shall verify the same by their signatures in the margin, at the foot, or at the back thereof.

And it is hereby further ordered, that the affidavit verifying the certificate to be made pursuant to the said act, and which certificate shall be in the form contained in the said act, shall (except in such cases where the acknowledgment shall be taken elsewhere than in England, Wales, or Berwick-upon-Tweed,) be made by some practising attorney, or solicitor of one of the Courts at Westminster, or of one of the Counties Palatine of Lancaster or Durham; and that in all cases it shall be deposed, in addition to the verification of the said certificate, that the deponent, or (if more than one person join in the affidavit) that one or more of the deponents, knew the person or persons making such acknowledgment, and that at the time of making such acknowledgment the person or persons making the same was, or were of full age and competent understanding; and that one at least of the Commissioners taking such acknowledgment to the best of his, deponent's knowledge and belief, is not in any manner interested in the transaction giving occasion for the taking of such acknowledgment, or concerned therein, as attorney, solicitor, or agent, or as clerk to any attorney, solicitor, or agent, so interested or concerned; and that the names and residences of the said Commissioners, and also the place or places where such acknowledgment or acknowledgments shall be taken, shall be set forth in such affidavit; and that previously to such acknowledgment being taken, the deponent had inquired of such married woman (or, if more than one, of each of such married women) whether she intended to give up her interest in the estate to be passed? and also the answer given thereto; and where any such married woman, in answer to such inquiry, shall declare that she intends to give up her interest without any provision, the deponent shall state that he has no reason to doubt the truth of such declaration, and he verily believes the same to be true. And where any provision has been agreed to be made, the deponent shall state that the same has been made by deed or writing, or if

not actually made before, that the terms of the intended provision have been reduced into writing, which deed or writing he verily believes has been produced to the said (Judge,) (Master, or) Commissioners.

And it is hereby further ordered, that the affidavit shall state the parish, or several parishes, or place or several places, and the county or counties in which the several premises, wherein any such married woman shall appear to be interested, shall, by deed, be described to be situate.

And it is hereby further ordered, that the affidavit shall be in the form hereunto annexed, subject to such variations as the circumstances of the case shall render necessary, or such affidavit may be made where it is found convenient by one of the said Commissioners, with such variation in the form thereof as shall be necessary in that behalf.

And it is hereby further ordered, that the certificates and affidavits verifying the same, shall, within one month from the making the acknowledgment, be delivered to the proper officer appointed under the said act; and that the officer shall not, after that time, receive the same without the direction of the Court or a Judge.

Then follow the orders respecting the fees.

Form of Affidavit verifying the certificate of acknowledgment taken in pursuance of the Act of Parliament to be made by some practising attorney or solicitor, and to be sworn before a Judge of the Court of Common Pleas, or a Commissioner appointed for taking affidavits in the said Court.

In the Common Pleas,

A. B. of ——, in the —— of ——, gentleman, one of the attornies (or solicitors) of the Court of ——, maketh oath and saith, that he knows ——, the wife of ——, in the certificate hereunto annexed mentioned, and that the acknowledgment therein mentioned was made by the said ——, and the certificate signed by the Judge or Master, or by A. B., of &c., and C. D., of &c., the Commissioners in the said certificate mentioned, on the day and year therein mentioned, at ——, in the —— of ——, in the presence of this deponent, and that at the time of making such acknowledgment, the said ——, was of full age and competent understanding, and that the said ——, knew the said acknowledgment was intended to pass her estate in the

premises, respecting which such acknowledgment was made, [*and this deponent further saith, that to the best of this deponent's knowledge and belief, neither of the said Commissioners is* (*or the said A. B., or the said C. D., one of the said Commissioners is not*) *in any manner interested in the transaction giving occasion for such acknowledgment, or concerned therein as attorney, solicitor, or agent, or as clerk to any attorney, solicitor, or agent, so interested or concerned.*] (*a*) And this deponent further saith that previous to the said ——, (the married woman) making the said acknowledgment, he this deponent enquired of the said ——, (the married woman) or if more than one, of each of them the said ——, and —— (the married women) whether she intended to give up her interest in the estates, in respect of which such acknowledgment was taken, without having any provision made for her in lieu of or in return for, or in consequence of her so giving up her interest in such estates, and that in answer to such enquiry the said ——, (the married woman) declared that she did intend to give up her interest in the said estates, without having any provision made for her in lieu of, or in return for, or in consequence of her so giving up such, her interest; of which declaration of the said ——, (the married woman) this deponent has no reason to doubt the truth, and verily believes the same to be true, or declared that a provision was to be made for her in consequence of her giving up such her interest in the said estates. And this deponent lastly saith, that before her acknowledgment was so taken, he was satisfied, and does now verily believe that such provision has been made by deed or writing, or that the terms thereof have been reduced into writing, and that such deed or writing has been produced to the said Judge, Master, or Commissioners. And lastly, this deponent saith that it appears by the deed acknowledged by the said ——, (the married woman) that the premises wherein she is stated to be interested are described to be in the parish or place of ——, or parishes or places of ——, and ——, in the county of ——, or counties of ——, (as the case may be.)

Sworn, &c.

N. B. When the whole of the facts cannot be spoken to by one deponent, variations may be made to enable more than one deponent to state their respective parts of the affidavit.

(*a*) This is to be omitted when acknowledgment taken by a Judge or Master.

ERRATA ET CORRIGENDA.

VOL. I.

Page 79. sect. 12. line 8. for "affected" read "effected."
102. —— 5. line 1. for "13" read "19."
112. line 3. for "*cestui que vie*" read "grantee."
129. sect. 60. line 2. for "him" read "himself."
136. —— 11. line 7. omit "which."
140. —— 5. line 4. for "require" read "acquire."
172. —— 21. line 1. for "requires" read "acquires."
173. —— 28. line 1. for "40" read "41."
179. —— 21. line 4. after "years" insert "to commence from his decease." and to the margin add "3 Bro. P. C. 483."
184. line 12. for "devisee" read "devise."
198. 9th line from bottom, for "of an infant" read "if an infant."
200. note (*g*). line 2. for "Drury *v.* Drury" read "Earl of Bucks *v.* Drury," and after "*ubi supra*," add "see also Drury *v.* Drury, Co. Lit. 36 b. n. 7."
211. line 16. for "1782" read "1712."
233. sect. 15. marg. line 3. for "63" read "53."
236. —— 29. line 4. omit "in."
240. —— 46. marg. line 2. for "94" read "97."
291. —— 58. line 1. for "& Will." read "& 4 Will."
301. —— 33. marg. line 4. for "id" read "Popham *v.* Lancaster."
317. —— 43. line 1. after "Will. 4." insert "c. 69. s. 9."
400. —— 76. marg. line 5. for "Coke's" read "Cox."
403. —— 90. line 1. for "from" read "for."
413. —— 34. marg. line 4. for "263" read "363."
425. —— 28. line 1. for "so it said" read "so it was said."
427. —— 34. line 7. for "trustee himself" read "trustee for himself."
449. —— 9. line 4. for "join in" read "join with."
455. —— 40. line 7. for "the receiver" read "they receive."
460. —— 64. marg. line 6. for "s. 21" read "s. 22."

VOL. II.

Page 61. sect. 103. line 10. for "cognizor" read "cognizee."
104. —— 25. marg. line 6. for "2 Ib." read "2 P. Will."
121. —— 85. line 1. for "mortgagee" read "mortgagor."
166. —— 15. line 2. for "mortgagee" read "mortgagor."
216. —— 46. marg. line 2. for "97" read "79."
297. —— 21. marg. line 4. for "674" read "684."
327. —— 7. marg. line 3. for "389" read "380."
370. —— 34. marg. line 3. for "291" read "290."
381. —— 18. line 16. for "of that" read "that of."

VOL. III.

Page 32. line 16. for "beneficial" read "beneficed."
98. sect. 23. line 2. for "officers" read "offices."
254. note and margin, for "2 & 3" read "1 & 2."
418. line 4. for "c. 12." read "c. 80. s. 12."

VOL. V.

Page 353. note, s. 10. line 2. for "valid" read "invalid."
427. note, last line, for "parol did" read "parol did not demur."

CHRONOLOGICAL

TABLE OF STATUTES

REFERRED TO IN THE FOLLOWING WORK.

The Numerals refer to the Volumes; the Figures to the pages.

HENRY I.
1. c. 70. power of alienation, IV. 4
charter of Hen. I. marriage of female wards, I. 26
——————— dower, 152. 168

JOHN,
magna charta, I. 25
tenures, 27
dower, 152. 164
franchise, III. 262
subinfeudation, IV. 5.
c. 2. relief, III. 126, 127
c. 7. dower, I. 168
c. 8. crown debts, 60. II. 39. 132
c. 14. summons to parliament, III. 122

HEN. III.
charter of Hen. III.
dower, I. 152

HEN. III.—*continued.*
c. 17. pleas, I. 32
c. 31. tenures, 22. 27
9. c. 16. franchises, III. 262.
charta de foresta, 245
20. stat. of Merton
copyhold, I. 285
prescription, III. 431
c. 2. dower, I, 163
c. 4. common, III. 76—80
c. 6. tenures, I. 27
52. stat. of Marlbridge
tenures, I. 25
c. 24. estate for life, 119, 120. 127. II. 2
estate for years, I. 231. II. 2
c. 28. against depredations on ecclesiastical possessions, II. 315
c. 29. waste, I. 231. II. 315, 316

EDW. I.
3. stat. of Westminster, the first,
c. 1. tolls, III. 265
c. 4. wrecks, 259
c. 20. parks, III. 248
c. 36. aids, I. 25. 40
c. 40. voucher, V. 368
c. 59. prescription, III. 431
4. de bigamis, IV. 356
6. stat. of Gloucester
rents, III. 274
c. 1. curtesy, I. 150
warranty, IV. 361
c. 5. action of waste, I. 120. 150. 231. 244
c. 7. dower, 166
c. 11. feigned recoveries, 224. V. 269. 443
7. de religiosis, recovery, V. 269
11. stat. of Acton Burnel, II. 39
13. stat. merchant, II. 40. 56. *See* Estate by Statute Merchant, &c.
stat. of Westminster the second, et de donis conditionalibus. *See* Estate Tail, I. 69—75. 77, 78. 81. 85. 90—92. 103. 136. 146. 235. 273, 274. 291. 350. 379. 407. II. 6. 27. 203. 320. 335. 362. III. 6. 18. 156. 176. 177—181. 289. 385. 388. 433. IV. 330. 332. 334. 361—364. V. 155. 166. 168, 169. 216. 269. 360. 363, 364. 381. 422. 475. 479. 482. VI. 481
c. 4. recovery, V. 384
c. 5. advowson, III. 18
c. 18. elegit, I. 291. II. 42. 50. 54. 56, 57. 132
c. 22. joint tenants, II. 377
——. tenants in common, 400

EDW. I.—*continued*
13. c. 24. curtesy, I. 50
c. 25. estovers, 105
c. 32. recovery, V. 269
c. 34. dower, I. 156. 175
——. jointure, I. 209
——. devising new writs, 333
c. 46. estate tail, 70
common, III. 77—79.
18. c. 1. Quia Emptores,
tenures, I. 22. 30. 33. 44. 72. 376. II. 303. III. 251, 252
estate for life, I. 103. 165
copyhold, 327, 328
rents, III. 272. 274
alienation, IV. 5. 357
recovery, V. 281. 303
de modo levandi fines, 71. 79. 101. 105. 116. 127. 129. 131. 148. 150. 152. 173. 204
21. stat. 2. de malefactoribus in parcis, III. 249
27. de finibus levatis, V. 148. 152
c. 1. proclamations on fines, 90
28. c. 1. reliefs, I. 40
34. de tallagio non imponendo, III. 93
of forests, III. 427
35. stat. 2. waste, I. 131

EDW. II.
17. c. 3. primer seisin, I. 26
c. 6. fines for alienation, IV. 6
c. 7. de prerogativa regis, I. 22
c. 15. king's grant, V. 53
homage, I. 23

EDW. III.
1. c. 12. fines for alienation, IV. 6
14. amendment of original writs, V. 139
25. natural-born subjects, III. 320, 321

EDW. III.—*continued.*
25. c. 11. aids, I. 25
c. 19. crown debts, II. 49
27. stat. 2. statute staple, 40
34. c. 15. fines for alienation, I. 22. IV. 6
c. 16. nonclaim, V. 148. 152, 153. 215
45. c. 3. tithes, III. 41, 42
50. uses, I. 345
RICH. II.
1. c. 9. uses, I. 345
2. stat. 2. c. 3. id.
6. stat. 1. c. 6. women stolen, 159
15. c. 5. uses, 341
21. c. 3. treason, 342.
HEN. IV.
4. c. 4. recovery, V. 420
5. c. 14. enrolment of fines, 83
HEN. V.
1. c. 3. forging false deeds. III. 396
c. 7. of priors aliens, V. 8
8. dower, I. 159.
HEN. VI.
8. c. 7. qualifications for elective franchise, I. 255
c. 12. amendment of original writs, V. 138, 139. 354. 357, 358
11. c. 5. waste, I. 231.
15. c. 4. subpœna, 335
23. c. 9. bail-bonds, V. 3
EDW. IV.
14. private act, V. 5
17. dignities, III. 183
22. c. 7. inclosure, V. 8
RICH. III.
1. c. 1. uses, I. 343. 352. 407. 417
c. 5. id. 340. V. 420
c. 7. fines, 154, 155
HEN. VII.
1. c. 4. uses, I. 345
4. c. 17. 345. 347
c. 24. fines, I. 291. II. 324. III. 433. V. 90—92. 101. 155—157. 159. 161. 164. 166—172. 184. 189, 190, 191. 193. 196. 200. 203. 209. 211. 231. 382
—— s. 2. fines, 155. 231. 242. 382
7. c. 3. soldiers' wills, VI. 4.
11. c. 20. recovery, I. 137. 166. 200. 291. IV. 317. 332. 365. V. 162. 408—413. 451
——— warranty, IV. 365
19. c. 15. I. 346
HEN. VIII.
7. c. 4. recovery, V. 333
14 & 15. c. 14. soldiers' wills, VI. 4
21. c. 4. executors. VI. 360
21. c. 13. pluralities, V. 2.
c. 15. estate by statute merchant, &c. 423
—— feigned recoveries, I. 224. V. 444
23. c. 6. statute staple, I. 61. recognizance, II. 41. 56
26. dignities, III. 156
c. 13. forfeiture, I. 90, 91. III. 158. 161. 163. 165, 166. —181. 386
27. for settling the manor of Hemston, Arundel, IV. 351.
c. 10. uses, I. 108. 225. 346—348. 351. 354. 357—360. 362—367. 370. 375. 381. 405. 407 411. 417. 447. II. 258. 260. —262. 304—306. III. 402. 404—407. IV. 97, 98. 102. 104—106. 111. 113—115. 118. 120. 126. 249. 253. 345.

HEN. VIII.—*continued.*
346. V. 94. 400. VI. 4. 67. 105. 141. 375. 483. 489, 490
—— s. 4 & 5. rents, III. 273. 287. 294. 296.
—— s. 6 & 7. jointure, I. 188. 192. 194. 196. 198, 199. 201. 211, 212. 291. V. 176
c. 15. stat. merchant, &c. II. 55
c. 16. enrolment, IV. 102. 456
28. c. 11. s. 6. emblements, I. 114
31. c. 1. partition, II. 384. 396. 410
c. 5. chase, III. 247
c. 10. precedency, 216
c. 13. s. 21. tithes, III. 53
32. c. 1. wills, VI. 4. 5. 20. 29. 30, 31
c. 2. quieting titles, III. 431. 452. 457
c. 5. statute merchant, &c. II. 57
c. 7. s. 7. tithes, III. 48. IV. 60. V. 133. 340.
c. 28. leases by tenants in tail, &c. I. 82. 87. II. 361. IV. 61—66. 70. 159. 332. V. 203. 396.
—— s. 6. estates *jure uxoris*, I. 291. V. 199. 203. 213. 231. 413. 451
c. 30. recovery, V. 323
c. 31.—id. 351
c. 32. partitions, II. 385. 396. 410
c. 33. remainder, 245.
—— disseisin, III. 435.
32. c. 34. covenants, IV. 373. 375
—— conditions, II. 4. 6. 34
c. 36. fine, V. 156, 157. 159, 160. 382. 419

HEN. VIII.—*continued.*
32. c. 36. s. 2. dower, jointure, I. 166. 200
—— s. 2 & 6. fine, V. 231
—— recovery, 408. 419
c. 37. rents, III. 285
33. c. 20. forfeiture, I. 90
—— trusts, 411, 412
c. 23. trials for murder, II. 352
c. 39. crown debts, I. 85, 86. II. 51. IV. 94
34 & 35. c. 5. wills, I. 283. VI. 5. 15. 22. 26. 29, 30. 43. 125. 137
c. 20. forfeiture, I. 90. 92
—— fine, V. 232
—— s. 2. recovery, 334. 419, 420, 421. 423
c. 22. married women, IV. 20
34 & 35. c. 26. s. 6. recoveries in Chester, V. 338.
—— s. 40. acknowledgment of fines before Justices of Wales, 114
recoveries in Wales, 338, 339
—— s. 41. fines in Wales, 104
—— s. 113. errors and judgments of the Justices in Wales, 235. 424.
35. conveyances by or to Queen Catherine, V. 3
37. c. 19. fines in the county of Lancaster, 101

EDW. VI.
1. c. 4. tenure in capite, I. 22
c. 12. dower, 174, 175
2. & 3. c. 13. tithes, III. 45
c. 16. id.
c. 28. fine, V. 102
3. & 4. c. 3. common, III. 78
5. & 6. c. 15 & 16. selling or buying offices, 109—113. 117

EDW. IV.—*continued.*
5 & 6. c. 11. dower, I. 174. forfeiture, 90
MARY.
1. c. 5. s. 4. advowsons, III. 454
c. 7. s. 2. proclamations on fines, V. 90
PHILIP & MARY.
4 & 5. guardians, I. 41.
ELIZ.
1. c. 19. disabling statute, I. 270. III. 95—97. IV. 13. 62. 76. V. 3
5. c. 11. s. 4. dower, I. 175.
c. 26. enrolment, IV. 103
c. 27. fines in Durham, V. 103
13. c. 4. crown debts, I. 62. 291. 412. II. 62. 102
c. 5. fraudulent conveyances, II. 342, 343. 348. 351. IV. 421—425. 427. 434. 436. 439. 440
c. 6. letters patent, V. 46
c. 8. usury, V. 252
13. c. 10. disabling statute, I. 270 III. 50. IV. 13. 62. 64. 67. 76. V. 3. 224
c. 20. charging of benefices, IV. 13
14. c. 8. recovery, V. 352. 365. 399
c. 11. disabling statute, IV. 13. 62. 64
18. c. 1. s. 2. dower, I. 175
c. 6. colleges, IV. 66. V. 2
c. 11. colleges, deans, &c. IV. 13. 62. 64. V. 3
c. 14. recovery, V. 323
23. c. 3. fines and recoveries, 108
——— s. 2. fines and recoveries, 238. 427
——— s. 1. recovery, 83. 335
——— s. 6. fine, 83
——— s. 5. fine and recovery, 86. 110. 314
ELIZ.—*continued.*
23. c. 10. game, III. 253
27. c. 3. crown debts, I. 62. II. 62
c. 4. fraudulent fines, V. 252
——— avoidance of deeds, IV. 423. 425, 426. 428—434. 436. 439
28. attainder, 240
29. c. 5. fraudulent conveyances, 423
31. c. 2. fines, V. 91
c. 6. Simony, III. 23, 24. 28, 29. 33
39. c. 7. crown debts, II. 62.
c. 18. avoidance of deeds, IV. 423
43. c. 4. charitable uses, VI. 15.
c. 9. disabling statute, IV. 13
c. 15. fines in Chester, V. 102 107. 114. 235
——— recoveries in Chester, 339
JAMES I.
1. c. 3. disabling statute, III. 172. IV. 62
——— 3. private act, V. 3
21. c. 5. limitations against the crown, III. 457. V. 223
c. 16. fines, V. 153
——— repose, II. 113. III. 431, 432. 434. 436. 447, 448. 451. 459
c. 19. s. 12. bankrupts, I. 87. 89. II. 343
c. 26. fines, V. 88. 352
CHARLES I.
3. for settling the manor of Arundel, IV. 351
c. 4. spiritual persons, 13
CHARLES II.
12. c. 24. abolition of military tenures, I. 28, 29. 39. 41. 43, 44. 327. III. 416. IV. 6. 68. VI. 13

CHARLES I.—*continued.*
guardians, I. 41. IV. 68
——— s. 11. III. 128.
c. 30. copyholds attainder, I. 320
13. c. 1. s. 12. qualifications for offices, 108, 109
15. c. 17. s. 8. register of the Bedford level, IV. 461
16. c. 16. s. 10. recovery, V. 318
17. c. 8. recovery, 324
19. c. 6. s. 2. estate for life, I. 102
22 & 23. c. 25. game, III. 253. 264
25. c. 2. test act, 108
29. c. 3. of frauds, I. 57. 246, 247. 275. 291. 375. 391. 406. 418. 424. II. 90. 347. 395. 410. III. 11. 293. IV. 27. 32. 36. 38, 39. 43, 44. 75. 77. 89. 119. 121. 126. 196. V. 474. VI. 46. 51. 55. 60. 63. 66—70. 73. 79. 80. 88, 89. 114. 153.
——— s. 7. I. 390. IV. 118.
——— s. 10. trust, I. 413
——— s. 12. I. 111. 113. III. 290. VI. 23
——— s. 14 & 15. judgments, II. 43
——— s. 16. execution, 52, 53, 54
——— s. 18. enrolment of recognizances, 42
——— s. 25. administration by husband to wife's effects, I. 228
30. c. 7. action of waste, II. 321
31. c. 3. on the burning of the chirographer's office, V. 84
WILL. AND MARY,
1. sess. 1. c. 26. advowsons, III. 21.
c. 16. simony, 24
WILLIAM AND MARY—*continued.*
2. st. 2. c. 2. offices, III. 97
3. c 14. fraudulent devises, I. 58. II. 340, 341. 346. 348. 350, 351. IV. 93. VI. 8. 359
3 & 4. c. 14. reversion, II. 130. 357. estate in fee simple liable to debts, I. 57
4 & 5. c. 16. fraudulent mortgages, II. 93
c. 20. judgments, 44
c. 23. s. 4. game, III. 254
c. 24. s. 12. action of waste, II. 321
WILLIAM III.
6 & 7. c. 14. estate in fee simple liable to debts, I. 57
7 & 8. c. 36. s. 3. judgments, II. 44
c. 37. corporations, IV. 21
mortmain, I. 53, 54
8 & 9. c. 11. s. 2. bond, IV. 92. 94.
s. 6. recovery, V. 324
c. 26. s. 7. Dower, I. 175
c. 31. partition, II. 386. 396. 410, 411
10 & 11. c. 4. recovery, V. 439
—— fine, 239
—— alienation by custom, 439
c. 16. remainder, II. 251. 253. VI. 438. 452. 454
11 & 12. c. 6. titles derived through aliens, III. 322
c. 16. tithes, 43
12. c. 13. grants of crown lands, V. 48
13. c. 2. offices, III. 99
ANNE,
1. stat. 1. c. 7. ss. 5—8. alienation of crown lands, I. 270. V. 46. 48. 50, 51. 422

ANNE—*continued.*
1. c. 8. s. 5. abatement of writs, V. 73
2. for making the estates of Irish Roman Catholics descend in gavelkind, II. 393, 394
2 & 3. c. 4. s. 1. register act, IV. 445. VI. 9—11
3 & 4. c. 18. partition, II. 386—388
4. c. 16. s. 12. payment of a bond good plea at law, IV. 94
—— s. 15. declaration of uses, IV. 126
—— s. 16. entry to support a right, III. 451
———— to avoid a fine, V. 246
——— s. 21. warranty, IV. 365
4 & 5. c. 16. warranty, V. 169
—— attornment, IV. 51. V. 94. 230
—— jeofails, 323
—— s. 27. joint-tenancy, II. 377
———— tenancy in common, 400
5 & 6. c. 3. for settling Woodstock, IV. 351
—— the dukedom of Marlborough, III. 219
5. c. 14. s. 4. game, 254. 364
c. 18. enrolment, IV. 103
—— s. 4. register act, II. 45
6. c. 18. estate for life, I. 102
c. 31. accidental fire, 133. 150. 166. 233
c. 35. ss. 16. 30. enrolment, IV. 103. 381
———— register acts, II. 46. IV. 446. VI. 10
7. c. 5. natural born subjects, III. 320, 321
c. 18. advowsons, 19. 453

ANNE—*continued.*
7. c. 19. infant trustees, I. 291. 449. IV. 17
—— fines by infants, V. 129
—— recoveries by infants, 350, 351
c. 20. register act, II. 46. IV. 447. 454. 456. 459. VI. 10
c. 21. s. 10. corruption of blood, III. 325
8. c. 14. rents, III. 285
10. c. 18. s. 3. enrolment, IV. 103. V. 46
12. st. 2. c. 12. simony, III. 28
—— c. 14. s. 1. advowson, 21
—— c. 16. usurious deeds, II. 150. IV. 409

GEO. I.
3. c. 11. franchise, III. 264
c. 15. fine V. 76
5. c. 6. offices, III. 108, 109
8. c. 25. enrolment of statutes and recognizances, II. 41. 44
—— ss. 3, 4. extent, 47. 58
9. c. 29. copyholds, I. 303. 317
12. c. 32. effects of suitors of chancery, V. 31

GEO. II.
2. c. 22. bond, IV. 92
4. c. 21. natural born subjects, III. 320, 321
c. 28. s. 2. ejectment, 287
———— rents, 285
—— s. 1. tenants at sufferance, I. 250
—— s. 6. renewal of leases, IV. 67. VI. 493
4. c. 29. private act, V. 10
5. c. 30. s. 26. bankrupts, I. 293
7. c. 20. mortgage, II. 84. 200
8. c. 6. registering deeds and wills, II. 46. IV. 103. 381. 447. VI. 11

GEO. II.—*continued.*
8. c. 24. bond, IV. 92
9. c. 5. s. 6. lease for a year, IV. 114
c. 36. charitable uses, 22. VI. 16. 128
11. c. 17. s. 5. advowson, III. 21
c. 19. rents, III. 285
—— s. 15. apportionment of rents, 306, 307. App. VII. 1, 2
—— s. 18. estate at will, I. 251
12. c. 24. effects of suitors of chancery, V. 31
14. c. 20. occupancy, I. 111. 275. III. 290
—— recovery, V. 279—282
15. c. 28. s. 4. dower, I. 175
16. c. 30. qualification for offices, III. 108
24. c. 48. recovery, V. 318
25. c. 6. witnesses to a will, VI. 46. 60.
c. 39. titles through aliens, III. 322
27. private act, V. 26
29. c. 31. leases, IV. 86
c. 36. s. 1. inclosure, III. 80
31. c. 14. copyhold, I. 255
c. 41. inclosure, III. 81
32. c. 14. fine, V. 76
GEO. III.
1. c. 23. offices, III. 99
5. c. 17. leases of incorporeal hereditaments, III. 275
9. c. 16. limitations against the crown, I. 63. III. 457. V. 223
2. c. 35. copyhold, I. 328
13. c. 21. natural born subjects, III. 321
c. 81. ss. 15—18. common, III. 69. 81
GEO. III.—*continued.*
14. c. 79. interest of money in Ireland and the plantations, II. 150. IV. 410
17. c. 26. contracts with infants for annuities, IV. 14
c. 53. mortgages by incumbents, 14
19. c. 12. offices, III. 111
21. c. 66. mortgages by incumbents, IV. 14
23 & 24. c. 22. Irish Act, V. 35
25. c. 35. extent by the crown, II. 62. 103
30. c. 51. crown, V. 423
34. c. 75. grants of crown lands, 48—51
c. 66. private acts, 7
35. c. 84. s. 3. governors of Queen Anne's bounty, IV. 22
39. c. 93. corruption of blood, III. 325
39 & 40. c. 41. leases by ecclesiastics, IV. 66. 176. VI. 493
c. 56. entailed money, I. 97, 98
c. 86. New Forest, V. 50
c. 88. King's private property, 51
—— ss. 8, 9. Queen consort, IV. 12. VI. 13
—— s. 4. King, VI. 12
—— s. 12. escheat, I. 448. III. 418
c. 98. perpetuities, VI. 457. 459, 460. 464
41. c. 109. ss. 15, 16. inclosure act, II. 413. VI. 32. App. VII. 6
42. c. 116. s. 52. land tax redemption, I. 92. V. 5

GEO. III.—*continued.*
43. c. 75. lunatics, IV. 18.
c. 84. s. 10. repealing disabling statute, IV. 13
c. 107. Queen Anne's bounty, 22. VI. 16
c. 108. conveyance of land to promote the building of churches, IV. 23
45. c. 72. s. 92. prize money of petty officers, III. 117
c. 84. s. 3. augmentation of livings, VI. 16
c. 101. purchase of advowsons by colleges, IV. 22
c. 145. attainder, III. 454
46. c. 135. bankruptcy, II. 195
47. c. 24. escheat, V. 51, 52
sess. 2. c. 74. simple contract debts out of real estate of deceased trader, I. 58
49. c. 12. offices, III. 112
c. 108. s. 16. appointment of officers on foreign stations, III. 117
c. 121. bankruptcy, II. 195
c. 126. buying and selling offices, III. 109
51. c. 68. local and personal acts, V. 423
53. c. 141. annuity act, IV. 15. (n.) 461
54. c. 145. corruption of blood, I. 63. 209. 307. 411. III. 322, 323. 325. 399. 402. IV. 20
c. 168. attestation, IV. 192
55. c. 192. wills of copyholds, VI. 36. 38. 69. 205
c. 147. exchange by ecclesiastics, IV. 14
56. c. 52. timber on glebe, I. 132
GEO. III.—*continued.*
57. c. 52. rents, III. 285.
c. 99. spiritual persons, IV. 13
59. c. 80. s. 2. recoveries in courts of ancient demesne, V. 339
c. 94. crown lands, V. 51. 53
GEORGE IV.
1. c. 35. payment of suitor's effects into the Court of Exchequer, V. 36
c. 87. ejectment, I. 251. III. 287
1 & 2. c. 121. s. 10. crown debtors, I. 62
3. c. 47. rate of interest—Ireland and the Colonies, IV. 410
c. 92. annuities, 461
4. c. 18. King's private property, V. 52
c. 76. marriage, I. 154
5. c. 32. *id.*
6. c. 16. bankrupts' estates, 58. 87. 284. 293
s. 77. bankrupts' advowsons, III. 20. IV. 232. 238.
s. 83. 86. act of bankruptcy, II. 195
s. 108. judgment creditors, 45
c. 17. crown lands, V. 51. 53
c. 74. infant trustees, IV. 17. V. 128. 147
c. 82, 83. sale of offices, III. 113
6. c. 92. marriage, I. 154
7. c. 45. entailed money land, 98, 99
c. 57. copyholds of insolvents, 284. 293
7 & 8. c. 25. resignation bonds, III. 36
9. c. 17. offices, 108

GEO. IV.—*continued.*
9. c. 69. game, 253
c. 78. estates of lunatics, IV. 18
c. 94. bonds for resignation of livings, III. 36
10. c. 7. s. 16. advowsons of Roman Catholics, 21
c. 50. crown lands, V. 51
11. c. 18. marriage, I. 155
WILLIAM IV.
1. c. 46. illusory appointments, IV. 207, 208
c. 47. real estate in the hands heir or devisee liable to specialties, I. 57, 58. II. 106. 130. 340. IV. 93. 372. 381. VI. 8. 359. (see 2 Russ. & Myl. 73, 74)
c. 47. s. 9. real estate of deceased trader liable to simple contract debts, I. 58. 284
s. 10. action by or against infants, V. 238. 427
c. 60. ss. 2, 3. 6, 7. 13. 28. infant and lunatic trustees and mortgagees, I. 291. 449. II. 122. IV. 17. V. 128. 350. Ap. VII. 18
s. 8. 31. trustees out of jurisdiction, and unknown, IV. 18. V. 119. 147. App. 4, 5
ss. 17, 18. constructive trustees, I. 108
s. 18. act does not extend to cases of partition, II. 390
WILL. IV.—*continued.*
1. c. 60. s. 19. *feme covert* trustees, IV. 20
s. 22. refusal of a trust, I. 460
c. 65. estates of infants and lunatics, II. 390. 414. IV. 18. 61. V. 5. 351. 450
infants leases, IV. 68
c. 65. surrenders by persons under disabilities, IV. 20. 69. 86
copyholds of married women, 20. V. 478
act extends to Ireland, IV. 18
c. 66. punishment of death repealed—forgery, V. 88
s. 31. ——— fraudulent recovery, 352
c. 69. s. 9. forfeiture of copyholds, I. 317
c. 70. separate jurisdiction of Chester and Wales abolished, V. 103, 104. 339
1 & 2. c. 32. game, III. 253, 254. 257
c. 56. bankrupts' real estate, I. 58. 88
2. c. 44. copyholds of insolvents, 284
2 & 3. c. 71. prescription, III. 65. 86. 421. 425, 426
c. 100. tithes, 49, 50, 51. 454. 458. App. VII. 10
3 & 4. c. 27. does not extend to crown debts, I. 63
s. 1. glossary clause, III. 453, 454
s. 2, 3. limitation of actions, 434, 435. V. 201
s. 4, 5. right of entry, or action when accruing, III. 449. V. 201

WILL. IV.—*continued.*
3 & 4. c. 27. s. 6—9. rights of administrator, tenant at will, &c., accrue when, III. 439. 450. V. 192
s. 7. mortgage, II. 81
s. 10. mere entry not possession, I. 79. III. 313. 436. 450. V. 242. 246
s. 11. continual claim abolished, I. 50. III. 312, 313. 436. V. 242
s. 12. possession of one joint tenant, &c., not possession of the other, II. 369. 377. 392. 402. III. 345. 437, 438. V. 227. 246
s. 13. wrongful entry of younger brother, &c., not possession of heir, I. 51
s. 14. acknowledgment of title in writing, equivalent to possession, III. 312. 328
s. 14—16. right of entry, III. 313
s. 16—18. limitation of actions, 452. V. 205, 206
—— mortgage, II. 114, 115, 116
s. 20—23, no new entry, on new right accruing, III. 447. 450
——. limitation of actions, 437. 450
s. 24, 25. limitation of suits in equity, 437. 450. 459. IV. 410
s. 26. fraud, III. 467

WILL. IV.—*continued.*
3 & 4. c. 27. s. 28. mortgage, II. 113, 114. 116. 117. III. 460
s. 29—34. limitation of actions by ecclesiastics, III. 52. 454, 455
s. 35. receipt of rent, I. 50
s. 36, 37. real actions abolished, II. 337
—— de reparatione faciendâ, 377
s. 36. writ of right of ward abolished, I. 26
s. 36—38 writs of deceit abolished, I. 38. V. 240. 439
——. writ of novel disseisin abolished, I. 52. II. 56
——. writs of right abolished, I. 64. 110. 135 267. V. 340
——. writ of waste abolished, I. 120. 244. II. 55. 377
——. writs of entry, &c., abolished, I. 135. III. 316
——. writ of formedon abolished, I. 141. III. 432
——. writ ad computandum, abolished, II. 61
——. writ of partition abolished, 388. 396
——. writ of escheat abolished, III. 398
——. writ of warrantia chartæ abolished, IV. 359
s. 36. 38. writs not abolished, I. 172. 244. III. 314. 431

WILL. IV.—*continued.*
3 & 4. c. 27. s. 39. right of entry not tolled by descent, &c. I. 51. 79. II. 393. III. 313—316. 435
——. discontinuance, I. 78. II. 245. IV. 53. V. 216. 478
——. warranty, IV. 355
s. 40. money charged upon land, and legacies, when recoverable, III. 457. 469.
s. 41. arrears of dower, I. 158. 173. III. 457
s. 42. arrears of rent, &c., II. 151. III. 457
s. 43, 44. to what courts the act extends, 450
c. 42. s. 2. actions against and by executors, I. 121
s. 3. limitation of actions for debts of specialty, I. 59. III. 457
s. 37, 38. rents, III. 285
c. 74. s. 1. where the act applies to Ireland, I. 99. V. 63. App. VII. 12
s. 2. fines and recoveries abolished, I. 78, 79. 93. 208. 367. 371. 407. II. 5, 6. 83. 333. 337. V. 71. 81. 87. 103. 189. 216. 338. 348. 475. 477, 478. VI. 425. 480
s. 3. assurances by persons under covenants to levy fines, V. 177
s. 4—6. ancient demesne, I. 38. 93. V. 104, 105. 240. 439. App. VII. 12.

WILL. IV.—*continued.*
3 & 4. c. 74. s. 7—12. defects in fines and recoveries, I. 93. V. 138. 141. 144. 309, 310. 353, 354. App. VII. 18
s. 14. warranty abolished, I. 79. 93. IV. 355. 361, 362. 365. V. 169
s. 15. disposition by tenant in tail, I. 80. 83. 93
s. 16, 17. tenant in dower, I. 166. 200. IV. 332. V. 231. 408
s. 18. estates tail of the gift of the crown, I. 79. 92. V. 232. 415
——. Tenant in tail after possibility, &c., I. 138
s. 19. base fee, I. 93
s. 20. expectancies of issue in tail not barrable, V. 233
s. 21. alienation by tenant in tail, I. 93
s. 22—37. protector, 88. 93—96
s. 38. voidable estate created by tenant in tail, I. 96
s. 39. base fee when not merged in the inheritance, I. 56. 65. II. 362. V. 168. VI. 481, 482. 491. 495
s. 40. contracts of tenant in tail, not binding on issue, I. 84
s. 41. modes of assurance by tenant in tail, I. 93, 96.

WILL. IV.—*continued.*
3 & 4. c. 74. s. 41. inrolment, I. 93. 96
s. 42—49. consent of protector, 96, 97
s. 50—54. copyholds, 97. 291. V. 184. 486—488. App. VII. 12.
s. 55—68. bankrupts' estates tail, I. 58. 88, 89. 293. V. 488, 489
s. 71—75. entailed money land, I. 99. V. 63.
s. 77, 78. dispositions by femes covert, I. 100. IV. 19. App. VII. 12, 13—17
s. 79—89. acknowledgment by married women, V. 106. 117. 316. App. VII. 19.
s. 90. copyhold—examination of married women, IV. 19
s. 91. disposition by married women, when husband under incapacity, App. VII. 14
—— lunatics, &c. IV. 19
s. 92. act does not relate to Ireland, I. 79. 93. V. 63
c. 104. real estate in the hands of heir or devisee liable to simple contract debts, I. 58, 59. 284. II. 103. 340. 360. III. 9. VI. 354. 481.
c. 105. s. 1—4. what estates are liable to dower, I. 158. 160. 162, 163. 409, 410. II. 97
s. 5—10. how barred and

WILL. IV.—*continued.*
restricted, I. 160, 161. 163. 166. 178. 181. 185. 210
s. 11. agreement not to bar dower, 161
s. 12. legacies in bar of dower entitled to preference, 161. 181. 185
s. 13. dower ad ostium ecclesiæ, and ex assensu patris abolished, 153
s. 14. to what married women, act applies, 156. 160. 174. II. 97
c. 106. s. 1. act extends to copyholds, I. 283
—— gavelkind, &c., III. 387, 388
s. 1, 2. actual seisin not necessary, I. 50. III. 328, 329. 336. 344. 351. 378. 380. 383
s. 3. limitations in deeds and wills to heirs of settlor, &c., give new estates, I. 374. II. 209. 336. III. 336. 338. 341. IV. 197. V. 468. VI. 124. 127
s. 6. lineal ancestors may inherit, III. 327. 331 335
s. 7, 8. rules of descent, 332. 351
s. 9. half blood may inherit, 343. 388. 390. 398
s. 10. descent may be traced through attainted persons, 325
s. 11. to what descents act extends, 354

WILL. IV.—*continued.*
4 & 5. c. 22. apportionment of rents, App. VII. 2
c. 23. escheat and forfeiture of trust estates, 4
c. 30. exchange of common field lands, 6, 7

WILL. IV.—*continued.*
4 & 5 c. 83. tithes, App. VII. 11
c. 92. abolition of fines, and recoveries in Ireland, VI. 425. App. VII. 12

AN

INDEX

OF THE

NAMES OF THE CASES

ABRIDGED AND CITED.

The asterisk * indicates the cases added in the present edition.

A.

Vol. Page

ABBOT v. Burton, Title *Remainder* II. 320

———————, *Recovery* V. 399

* Abbott v. Hicks, *Estate for Life* I. 116

* Abel v. Heathcote, *Power* IV. 179, 180

Abergavenny's Case, *Joint Tenancy* II. 376. 383

———————, (Lord) Case, *Dignities* III. 136

* Abergavenny (Barony) Case, *id.* 131

Abingdon's Case, *Dower* I. 171

Abney ex parte, *Fine* V. 119

——— v. Miller, *Devise* VI. 112

* Abraham v. Alman, *id.* 161

——— v. Bubb, *Estate Tail after Possibility, &c.* I. 137

Vol. Page

* Abraham v. Bubb, *Estate for Years* 233

* ———————, *Remainder* II. 316

* ——— v. Twigg, *Deed* IV. 281

Acherley v. Vernon, *Devise* VI. 115—119

Ackland v. Ackland, *id.* 222

——— v. Attwell, *Estate for Life* I. 131

Ackroyd v. Smithson, *Trust* 395

Acton's Case, *Deed* IV. 266

Acton v. Baldwin, *Recovery* V. 358

Adams v. Adams, *Deed* IV. 202

* —— v. Gibney, *id.* 370

——— v. Hincloe, *Copyhold* I. 274

——— v. Savage, *Use* 376

* ———————, *Remainder* II. 361

——— v. Waller, *Tithes* III. 44

Addington v Clode, *Prescription* 424

Vol. Page

Addis v. Clement, *Devise* VI. 186—189. 192
Addison v. Dawson, *Fine* V. 254
——— v. Otway, *Recovery* 341. 346
Ager v. Pool, *Devise* VI. 270
Aggars v. Pickerell, *Mortgage* II. 114
Ailesbury v. Pattison, *Franchise* III. 264
Ailett v Walker, *Recovery* V. 348
Airlie, Earldom, *Dignities* III. 160
——————— *Descent* 387
Aislabie v. Rice, *Estate on Condition* II. 27
Aland v. Malon, *Recovery* V. 427
Alban St., Sir John's Case, *id.* 350
Alban St. v. Shore, *Condition* II. 28
Albany's Case, *Deed* IV. 234
*Albemarle v. Rogers, *Advowson* III. 11
*Alcock v. Cooke, *King's Grant* V. 57
Alden v. Gregory, *Prescription* III. 468
Aldred's Case, *id.* 427
Alexander v. Alexander, *Deed* IV. 207. 211
Alford v. Alford, *id.* 223
*Allan v. Backhouse, *Mortgage* II. 149
Allen v. Heber, *Devise* VI. 125
—— v. Palmer, *Alienation by Custom* V. 471
—— v. Poulton, *Devise* VI. 40
—— v. Sayer, *Trust* I. 449
——————— *Fine* V. 255
Alpass v. Watkins, *Deed* IV. 309
Alsop v. Pine, *id.* 170
Altham v. Anglesea, *Use* I. 356, 375
——————— *Recovery* V. 291
*Alton Woods, Case of, *Private Act* 18. 22. 56. 60

Vol. Page

Amand v. Bradburn, (2 Cha. Ca. 138) *Trust* I. 457
Amble v. Jones, *Devise* VI. 142
Ambrose v. Ambrose, *Trust* I. 410
Amesbury v. Brown, *Mortgage* II. 155
Amhurst v. Dowling, *Advowson* III. 19
——— v. Litton, *Devise* VI. 142
Ancaster v. Mayer, *Estate in Fee* I. 59
——————— *Mortgage* II. 137. 142
Anderson's Case, *Estate Tail* I. 85
*Anderson v. Dwyer, *Jointure* 206
——— v. Martindale, *Deed* IV. 371
*Andree v. Ward, *Devise* VI. 408
Andrew v. Southouse, *id.* 218. 227
Andrews v. Emmot, *Deed* IV. 200
——— v. Fulham, *Devise* VI. 413
*Anglesea, Earldom of, *Dignities* III. 220
Annandale v. Harris, *Deed* IV. 418
Anonymous, *Estate in Fee* I. 60
*————, *Estate Tail after Possibility, &c.* I. 137
————, *Estate for Life* 117
————, *Estate for Years* 229
————, *Jointure* 192. 206
————, *Copyhold* 289. 305. 329
————, *Use* 358
————, *Trust* 391. 453
————, *Estate on Condition* II. 31
————, *Estate by Statute, &c.* 63
————, *Mortgage* 79. 106. 116. 174
————, *Remainder* 227. 239. 322
————, *Tithes* III. 42, 43

Vol. Page

Anonymous, *Common* III. 78. 83
———, *Descent* 391
———, *Prescription* 468
———, *Deed* IV. 26, 27. 58. 76. 99. 137. 212. 228. 237. 292. 386
———, *Fine* V. 74. 110. 174. 176. 241. 243
———, *Recovery* 273. 275. 409. 425
———, *Devise* VI. 21. 25. 55. 256. 274. 329. 366
*———, *Merger* 476
———, v. Langton, *Trust* I. 422
———, v. Palmer, *Common* III. 74. 80
Ansley v. Chapman, *Devise* VI. 227. 267
*Anthony v. Rees, *id.* 229
Antrim v. Bucks, *Deed* IV. 144
Aphary v. Bodingham, *Reversion* II. 343. 354
*———, *Deed* IV. 426
Appleton v. Binks, *id.* 369
Ap. Rice's case, *Estate Tail after Possibility, &c.* I. 137
Archer's Case, *Remainder* II. 270. 273. 283. 304. 306
———, *Deed* IV. 328
———, *Fine* V. 160
——— ———, *Devise* VI. 280, 281. 295
———, *Merger* 483
Archer v. Snatt, *Mortgage* II. 106
Ards v. Watkin, *Rents* III. 304
Argenton v. Westover, *Fine* V. 108
Argoll v. Chency, *Use* I. 378
*———, *Deed* IV. 408
*Armstrong v. Eldridge, *Devise* VI. 335. 340, 341

Vol. Page

Armstrong v. Wolsey, *Use* I. 371
Arnald v. Arnald, *Devise* VI. 93
*Arnold v. Chapman, *Mortmain* 16
*——— v. Preston, *Devise* 166
——— v. Kempstead, *Dower* I. 182. 184. 186
*Arnsby v. Woodward, *Deed* IV. 73
Arthington v. Coverley, *Advowson* III. 15
——— v. Fawkes, *Common* 80
Arton v. Hare, *Remainder* II. 204
Arundel, Barony, *Dignities* III. 131
——— v. Arundel, *Fine* V. 109. 237
——— v. Gloucester (Ep.) *Advowson* III. 20
——— (Lady) v. Phipps, *Deed* IV. 441
——— v. Steere, *Common* III. 70
Arundell v. Phillpot, *Deed* IV. 229
Ascough v. Johnson, *Mortgage* II. 187
*Ash & Ux & Watts, *Fine* V. 141
Ashburnham v. St. John, *Estate by Statute, &c.* II. 51
Ashenhurst v. James, *Mortgage* II. 152
Ashmead v. Ranger, *Copyhold* I. 281
Ashton's Case, *Jointure* 195
Ashton v. Ashton, *Devise* VI. 308
Aspinall v. Kempson, *Trust* I. 444
Aspinwall v. Leigh, *Estate for Life* 126
*Astley v. Milles, *Merger* VI. 497
Aston v. Aston, *Estate for Life* I. 129
——— v. Smallman, *Joint Tenancy* II. 370
Atherton v. Pye, *Devise* VI. 349. 352

Vol. Page

*Athol, Dukedom of, *Dignities* III. 159
Atkinson v. Hutchinson, *Devise* VI. 404
——— v. Baker, *Estate for Life* I. 113
Atkyns v. Atkyns, *Devise* VI. 198
Attersoll v. Stevens, *Estate for Years* I. 231
Attoe v. Hemmings, *Deed* IV. 245
Attorney-General v. Alston, *id.* 421
——— v. Andrew, *Condition* II. 26
* ———, *Estate by Statute, &c.* 51
——— v. Barnes, *Devise,* VI. 57
——— v. Bayley. *id.* 404
——— v. Bowyer, *Mortgage* II. 90
——— v. Buller *Devise* VI. 202, 203
——— v. Christ's Hospital, *Condition* II. 26
——— v. Coventry, *Rents* III. 285
——— v. Crofts, *Mortgage* II. 105
——— v. Day, *Deed* IV. 33
——— v. Downing, *Devise* VI. 116—118. 132
* ——— v. Marquis of Downshire, *King's Grant* V. 56
——— v. Lord Eardley, *Prescription* III. 458
——— v. Gill, *Devise* VI. 237
* ——— v. Goddard, *Mortmain* 16
* ——— v. Graves, *id.* 16

Vol. Page

Attorney-General v. Hall, *Mortmain* 160. 161
* ——— v. Hamilton, *Deed* IV. 180
——— v. Hungate, *King's Grant* V. 61
* ——— v. Lloyd, *Devise* VI. 80. 82
——— v. Duke of Marlborough, *Estate Tail* I. 74
* ——— v. Meyrick, *Mortmain* VI. 16
* ——— v. Munby, *Deed* IV. 22
——— v. Parnther, *id.* 412
* ———, *Devise* VI. 14
——— v. Pomfret, *Deed* IV. 17
——— v. Resbey, *Estate in Fee* I. 60
——— v. Sands, *Trust* I. 412. 426
* ———, *Escheat* III. 405
* ——— ———, *Deed* IV. 422
——— v. Scott, *Trust* I. 382. 411
* ———, *Mortgage* II. 102
* ———, *Deed* IV. 211
* ——— v. Sibthorp, *Devise* VI. 134
——— v. Sutton, *id.* 244
——— v. Tancred, *Deed* IV. 22
* ———, *Devise* VI. 16

Vol. Page

Attorney-General v. Turner, *King's Grant* V. 56
——————— v. Vigor, *Devise* VI. 103. 123. 197. 204
——————— v. Vincent, *Copyhold* I. 310
* ——————— v. Warde, *Devise* VI. 82
* ——————— v. Weymouth, *Mortmain* 16
Attree v. Scutt, *Copyhold* I. 303. 305
*Aubin v. Daly, *Estate Tail* 73
* ———————, *Rents* III. 292
Aubrey v. Fisher, *Estate for Life* I. 116
* ———————, *Tithes* III. 42
Audley v. Audley, *Deed* IV. 172
Audrey v. Smallcombe, *Tithes* III. 47
Auncelme v. Auncelme, *Copyhold* I. 295
Austen v. Taylor, *Devise* VI. 287. 310
Austin v. Austin, *Deed* IV. 208
—— v. Bennett, *Copyhold* I. 306
—— v. Nicholas, *Tithes* III. 40
Aveling v. Knipe, *Joint Tenancy* II. 371
Avelyn v. Ward, *Devise* VI. 414
Ayd v. Flower, *Tithes* III. 44
Aylesford's Case, *Deed* IV. 39
*Ayliffe v. Murray, *Trust* I. 456
—— v. Tracy, *Deed* IV. 37
Aylor v. Chep, *Devise* VI. 329
* ———————, *Joint Tenancy* II. 367
*Aynesly v. Wordsworth, *Rents* III. 309
Ayray v. Billingham, *Copyhold* I. 281
Ayres v. Willis, *Dower* 185

Vol. Page

B

Babington v. Wood, *Advowson* III. 30
Back v. Andrews, *Trust* I. 402
* ———————, *Joint Tenancy* II. 374
Backhouse v. Wells, *Devise* VI. 298. 300
Bacon v. Bacon, *Descent* III. 321
* —— v. Proctor, *Accumulation* VI. 459
* —— v. Smith, *Tithes* III. 51
Baddeley v. Leppingwell, *Devise* VI. 225
Badger v. Ford, *Copyhold* I. 263
* ———————, *Common* III. 72
* —— v. Lloyd, *Devise* VI. 384
* Badham v. Mee, *Deed* IV. 186. 238
Baggott v. Oughton, *Mortgage* II. 139. 146
———————, *Deed* IV. 163, 164
Bagshaw v. Bossley, *Advowson* III. 34
——— v. Spencer, *Trust* I. 386. 403
———————, *Recovery* V. 386
———————, *Devise* VI. 284. 286, 287. 289. 301
* Bailey v. Ekins, *Estate in Fee* I. 57
* ———————, *Devise* VI. 359
* Bailis v. Gale, *id.* 214. 221. 271
Baily v. Murin, *Reversion* II. 343
Baker v. Beresford, *Copyhold* I. 285
* —— v. Child, *Fine* V. 179

Vol. Page

Baker v. Harris, *Mortgage* II. 174
——— v. Holtpzaffell, *Rents* III. 299, 300
——— v. Johnson, *Recovery* V. 341
——— v. Mountford, *Advowson* III. 24
——— v Wall, *Devise* VI. 168. 231
——— v. Willis, *Fine* V. 157
* ———, *Merger* VI. 483
——— v. Wind, *Mortgage* II. 67
Balch v. Phelps, *Fine* V. 111
Baldwin's Case, *Deed* IV. 274
* ——— v. Tudge, *Tenures* I. 33
Bale v. Coleman, *Devise* VI. 284
Balfour v. Welland, *Trust* I. 454
Ball v. Burnford, *Deed* IV. 442
——— v. Cock, *Fine* V. 74
Ballet v. Sprainger, *Mortgage* II. 149
Bally v. Wills, *Deed* IV. 372
* Balmain v. Shore, *Tenancy in Common* II. 409
Bamfield v Popham, *Devise* VI. 141. 255
——— v. Wyndham, *Mortgage* II. 136
* Banbury, Earldom of, *Dignities* III. 224
Banker's Case, *King's Grant* V. 46
* Banks v. Denshire, *Devise* VI. 205
* ——— v. Holme, *id.* 384
Banks v. Sutton, *Trust*, I. 410, 411. 435
* ———, *Mortgage* II. 99. 101, 102
* Banne, Fishery of the *King's Grant* V. 55
Barber v. Nunn, *Fine* 74
* Barclay v. Raine, *Deed* IV. 393
Baring v. Nash, *Tenancy in common* II. 413

Vol. Page.

* Barker v. Barker, *Curtesy* I. 142. 148
——— v. Giles, *Devise* VI. 340. 342
——— v. Hill, *Alienation by custom* V. 474
——— v. Keat, *Use* I. 358
———, *Deed* IV. 114. 116
———, *Recovery* V. 311
——— v. Lomax. *Advowson* III. 18
——— v. Smith, *Devise.* VI. 342
——— v. Suretees, *id.* 144
* Barlow v. Rhodes, *Right of way* III. 91
* ———, *Deed* IV. 265
——— v. Salter, *Devise* VI. 402
Barnard v. Godscall, *Deed* IV. 375
——— v. Large, *Remainder* II. 297
——— v. Woodcock, *Recovery* V. 318
Barnardiston v. Carter, *Remainder* II. 217
——— v. Fane, *Estate on Condition* 31
Barnes v. Corke, *Copyhold* I. 294
——— v. Crowe, *Devise* VI. 116. 119. 121
——— v. Patch, *id.* 175
Barnett v. Weston, *Mortgage* II. 166. 174
*Barnewell v. Cawdor, (Lord) *id.* 128
Barrett v. Glubb, *Advowson* III. 11. 27. 29
Barrington's Case, *Private Act* V. 8
* Barrington v. Horn, *Fine* V. 179
Barron v. Martin, *Mortgage* II. 117
Barry v. Edgworth, *Devise* VI. 213

Vol. Page

* Barry v. Nugent, *Deed* IV. 55.
Bartholomew v. Belfield, *Fine* V. 189
* ——— v May, *Mortgage* II. 127
Bartlett v. Downes, *Trust* I. 445
* ——— *Offices* III. 99
——— v. Hodgson, *Trust* I. 455
——— v. Pickersgill, *id.* 392
Barton's Case, *Remainder* II. 280
——— *Deed* IV. 108
——— *Recovery* V. 274
* Barton v. Briscoe, *Deed* IV. 234
* ——— v. Fitzgerald, *id.* 384
* ——— v. Lever, *Recovery* V. 373. 394
Bartram v. Towne, *Fine* V. 144
Barwick v. Foster, *Rents* III. 282
Bashpool's Case, *Devise* VI. 124
Basket v. Pierce, *Fine* V. 181. 192
Basset's Case, *Deed* IV. 125
Basset v. Basset, *Remainder* II. 253
* ——— *Devise* VI. 452
——— v. Clapham, *Remainder* II. 291
* Bassett v. Bassett, *Jointure* I. 200
Bate v. Amherst, *Devise* VI. 15. 165
Bateman v. Bateman, *Mortgage* II. 124
* ——— *Devise* VI. 362
* Bates's Case, *Merger* 469
Bates v. Bates, *Dower* I. 163
* ———, *Deed* IV. 308
Bateson v. Greene, *Common* III. 74
Bath's (Lord) Case, *Recovery* V. 386
Bath, (Earl of) v. Abney, *Copyhold* I. 294
——— v. Bradford, *Devise* VI. 363
——— and Montague's Case, *Deed* IV. 189. 191. 227. 229

Vol. Page

Battersbee v. Farrington, *Deed* IV. 427. 437
Baugh v. Haynes, *id.* 64, 65
Bawdes v. Amhurst, *id.* 34. 40
Bax v. Whitbread, *id.* 210, 211
Baxter v. Browne, *id.* 55
* ——— v. Dyer, *Devise* VI. 110
——— v. Knollys, *Tithes* III. 49
——— v. Manning, *Mortgage* II. 106
* Bayard v. Smith, *Devise* VI. 340
Bayley v. Morris, *Deed* IV. 313
——— v. Oxford University, *Recovery* V. 340
* ——— v. Snelham, *Devise* VI. 166
——— v. Stevens, *Descent* III. 389
——— v. Warburton, *Deed* IV. 143
Bayly v. Robson, *Mortgage* II. 107
* Baynes v. Baynes, *Estate Tail* I. 98
Baynham v. Guy's Hospital, *Deed* IV. 402
Bays v. Bird, *id.* 267
Beachcroft v. Beachcroft, *Devise* VI. 355
Beale v. Beale, *Deed* IV. 137
——— v. Doe, *Devise* VI. 452
Bear's Case, *id.* 126
* Bearblock v. Hancock, *Tithes* III. 43
* ——— v. Tyler, *id.* 41
Beard v. Nutthall, *Jointure* I. 202. 205
——— v. Westcott, *Deed* IV. 339. 350
* ———, *Devise* VI. 149. 152. 382
* Bearspark v. Hutchinson, *Estate for Life* I. 113
Beaudeley v. Brook, *Deed* IV. 100

Vol. Page

Beaumont Barony, Case of, *Dignities* III. 202
Beaumont's Case, *Fine* V. 157
———, *Recovery* 413
———, *Merger* VI. 483
——— v. Field, *Deed* IV. 255
* Bebb v. Penoyre, *Devise* VI. 182
Beck's Case, *Deed* IV. 281
Becket v. Cordley, *Mortgage* II. 170
Beckwith's Case, *Use* I. 372
———, *Deed* IV. 128, 129
Bedell's Case, *id.* 108. 254
Bedell v. Constable, *Devise* VI. 13
Bedford's Case, *Use* I. 376
Bedford v. Backhouse, *Deed* IV. 450. 452. 460
——— (Earl of) v. Forster, *Fine* V. 111
* ——— v. Varney, *Dower* I. 155
Bedingfield's Case, *Estate in Fee* 80
———, Dower 176
Belch v. Harvey, *Mortgage* II. 116
Belchier v. Renforth, *id.* 191
Belfour v. Weston, *Rents* III. 299
* Bell v. Phyn, *Tenancy in Common* II. 409
* ———, *Devise* VI. 148. 406
Bellamy v. Burrow, *Offices* III. 99
Bellasis v. Compton, *Trust* I. 392
Bellew v. Langdon, *Common* III. 75
* Belt v. Mitchelson, *Devise* VI. 230
Benger v. Drew, *Trust* I. 398
* Bengough v. Edridge, *Deed* IV. 341
Benicombe v. Parker, *id.* 46
Bennet v. Box, *Trust* I. 413
——— v. Davis, *id.* 404. 409
——— v. King, *Prescription* III. 456
——— v. Reeve, *Common* 67
Bennett v. Honeywood, *Devise* VI. 438

Vol. Page

Bennett v. Tankerville, *Devise* VI. 94. 283
Benson v. Chester, *Common* III. 67
——— v. Hodson, *Recovery* V. 390
——— v. Scott, *Copyhold* I. 287
——— *Alienation by Custom* V. 458. 460
Bentham v. Wiltshire, *Devise* VI. 362
Beresford's Case, *Deed* IV. 281
Berkeley's, (Lord) Case, *Estate Tail* I. 86
Berkeley Barony, Case of, *Dignities* III. 129. 326
——— v. Warwick, *Joint Tenancy* II. 385
Berner's Barony, Case of, *Dignities* III. 200
Berney v. Harvey, *Tithes* 57, 58
Berrington v. Parkhurst, *Fine* V. 120. 244
Berrisford v. Milward (2 Atk. 49.) *Mortgage* II. 169
Berry v. Rich, *Deed* IV. 169
——— v. Taunton, *Condition* II. 7, 8
* ——— v. Wade, *Fine* V. 179
Bertie v. Faulkland (Lord) *Condition* II. 14. 17
———, *Remainder* 239
———, *Devise* VI. 153
Best v. Stamford, *Trust* I. 419
Bettison v. Farringdon, *Recovery* V. 382
Bettisworth's Case, *Deed* IV. 47
Beverley's Case, *Fine* V. 210
Beverley v. Beverley, *Remainder* II. 207
Bevil's Case, *Prescription* III. 432
Bewick v. Whitfield, *Estate for Life* I. 126

Vol. Page
Bibb v. Thomas, *Devise* VI. 84
*Bibye v. Huxley, *Estate for Life* I. 116
Bickford v. Pendarvis, *Deed* IV. 263
*Bickley v. Guest, *id.* 186. 237
*——— *Fine* V. 185
*——— *Recovery* 389
Bicknell v. Gough, *Prescription* III. 468
*Biddle v. Perkins, *Power of Sale and Exchange* IV. 183. 185
Biddulph v. Biddulph, *Estate in Fee* I. 46
———, *Private Act* V. 25
Biggon v. Bridge, *Rents* III. 282
Biggott v. Smith, *Remainder* II. 277
Bindon v. Suffolk, *Devise* VI. 333. 340
*Bingham v. Woodgate, *Copyhold* I. 258
*———, *Merger* VI. 467
Binstead v. Coleman, *Deed* IV. 254
*Birch v. Wade, *Devise* VI. 163
——— v. Wright, *Estate at Will* I. 247
Bird v. Blosse, *Deed* IV. 37
*Birmingham v. Kirwan, *Dower* I. 186
Biscoe v. Perkins, *Remainder* II. 301
Blackborn v. Edgley, *Devise* VI. 255
Blackburn v. Graves, *Copyhold* I. 295
*——— v. Stables, *Devise* VI. 15
Blades v. Blades, *Deed* IV. 453. 457. 459
Blagden v. Bradbear, *id.* 33. 43
Blague v. Gold, *Devise* VI. 183
Blake v. Blake, *Estate for Life* I. 104
———, *Alienation by Custom* V. 484
Vol. Page
*Blake v. Luxton, *Estate for Life* I. 104
Blamford v. Blamford *Joint Tenancy* II. 367
Bland v. Bland, *Devise* VI. 159
Blandford v. Marlborough, *Deed* IV. 149. 152
Blatch v. Wilder, *Devise* VI. 362
Blaxton v. Stone, *id.* 242, 243
Blenco v. Marston, *Tithes* III. 52
Blenkarne v. Jennens, *Alienation by Custom* V. 474
Blewett v. Millett, *Trust* I. 397
Blewit's Case, *Copyhold* 271
Blissett v. Cranwell, *Devise* VI. 337. 339
Blitheman's Case, *Estate Tail* I. 80
———, *Dower* 162
———, *Deed* IV. 107
Blodwell v. Edwards, *Remainder* II. 230
*Blosse v. Lord Clanmorris, *Recovery* V. 423
Blount's Case, *Recovery* V. 349
Blount v. Winter, (3 P. Will. 276.) *Jointure* I. 209
Blunden v. Baugh, *Estate at Will* 244
———, *Fine* V. 124, 125
———, *Recovery* 305
Blunt v. Clarke, *Alienation by Custom* 460
*—— v. Clitherow, *Devise* VI. 205
Boardman v. Mosman, *Trust* I. 455
Boddam v. Riley, *Mortgage* II. 152
*Boddington v. Abernethy, *Alienation by Custom* V. 467. 472
Bohoun v. Burton, *Fine* 143
Bohun's Case, *id.* 140
Bolderow v. Futter, *Recovery* V. 313. 321

Vol. Page

Bole v. Horton, *Deed* IV. 362, 363
Bolls v. Winston, *Remainder* II. 281
*Bolton v. Bolton, *Deed* IV. 435
——— v. Carlisle, *id.* 409
——— (Duke of) v. Williams, *Devise* VI. 65
——— et ux. v. Humphries et al., *Condition* II. 20
Bon v. Smith, *Devise* VI. 171
Bond v. Seawell, *id.* 51
Bonham v. Newcomb, *Mortgage* II. 73
Bonifaut v. Greenfield, *Devise* VI. 360
*Bonner v. Bonner, *id.* 67
Boone v. Eyre, *Condition* II. 29
Booth's Case, *Estate for Years* I. 231
Booth v. Booth, *Mortgage* II. 197
*——— v. Lambert, *Dower* I. 171
Boothby v. Vernon, *Curtesy* 148
———————, *Devise* VI. 298
* ———————, *Merger* 473. 484
*Bootle v. Blundell, *Estate in Fee* I. 59
* ———————, *Mortgage* II. 137
Bor v. Bor, *Devise* VI. 16
Boraston's Case, *Remainder* II. 215. 225. 227, 228
Borneford v. Packlington, *Copyhold* I. 286
Boson v. Statham, *Devise* VI. 128
Boteler v. Allington, *Trust* I. 383. 449
* ———————, *Advowson* III. 11. 13
Botetourt Barony, Case of, *Dignities* 193

Vol. Page

Bothomly v. Fairfax, *Deed* IV. 95
Bottomley v. Fairfax, *Trust* I. 409
Boughton v. Boughton, *Deed* IV. 435
Boulcott v. Winmill, *Copyhold* I. 263
Bould v. Winston, *Remainder* II. 264. 280
———————, *Deed* IV. 108
Bourn v. Gibbs, *Devise* VI. 161
Bourne v. Taylor, *Copyhold* I. 283
*Bovey's Case, *Deed* IV. 436
* ———————, *Merger* VI. 468. 472
Bovey v. Skipwith, *Mortgage* II. 187
——— v. Smith, *Trust* I. 450
Bowater v. Ellis, *id.* 407
Bowdler v. Smith, *Devise* VI. 355
Bowen v. Edwards (2 Rep. in Cha. 117. [222]), *Mortgage* II. 70
*Bowes v. East London Water Works Co., *Lease* IV. 167
Bowles's Case, *Estate for Life* I. 122
———————, *Estate Tail after Possibility, &c.* 135, 136
———————, *Remainder* II. 216. 272. 313
———————, *Deed* IV. 147. 308
* ———————, *Merger* VI. 6. 472, 473. 485
*Bowles v. Bertie, *Estate Tail after Possibility, &c.* I. 136
——— v. Poore, *Rents* III. 290
*——— v. Stewart, *Estate for Life* I. 107
——— v. Walter, *Advowson* III. 8
*Boyce v. Hanning, *Power of Sale* IV. 185
Boycot v. Cotton, *Deed* 137
*Boyle v. Bishop of Peterborough, *id.* 210
Boynton v. Boynton, *Dower* I. 185, 186

Vol. Page

Bozoun's Case, *King's Grant* V. 61
Brace v. Duchess of Marlborough, *Mortgage* II. 173. 183
*Bracebridge v. Cooke, *Merger* VI. 480
Bradbury v. Wright, *Rents* III. 274
Bradford v. Belfield, *Devise* VI. 217
Bradford v. Foley, (Doug. 63.) *Remainder* II. 221
Bradshaw v. Eyr, *Common* III. 82. 84
——— v. Lawson, *Copyhold* I. 327
Bradstock v. Scovell, *Fine* V. 162
Brady v. Cubitt, *Devise* VI. 90. 104
Bramhall v. Hall, *Deed* IV. 228
*Brampton v. Kynaston, *Devise* VI. 311
*Brand, *In re*, *Deed* IV. 18
* ———, *Recovery* V. 351
*Brandon, Dukedom of, *Dignities* III. 143
Bransby v. Grantham, *Devise* VI. 23
Brasier's Case, *Fine* V. 242
Brassey v. Dawson, *Estate in Fee* I. 61
*Bray v. Hammersley, *Power of Appointment* IV. 204, 241
——- v. Tracy, *Estate in Fee* I. 120. 128
Braybrooke v. Inskip, *Devise* VI. 203
Brediman's Case, *Reversion* II. 345
Bredon's Case, *Fine* V. 220
* ———, *Merger* VI. 475. 477. 8 6, 487
Bree v. Holbech, *Deed* IV. 389
*Breedon v. Breedon, *Devise* VI. 362
Brent's Case, (Dy. 340ª.) *Remainder* II. 259. 264. 278

Vol. Page

Bret v. Cumberland, *Deed* IV. 368
*Brett v. Beales, *Private Act* V. 7
* ——— v. Brett, *Devise* VI. 61
——— v. Rygden, *id.* 128. 130
Brewster v. Angell, *id.* 364
——— v. Kitchin, *Deed* IV. 372
Brice v. Smith, *Devise* VI. 233
Bridge's Case, *Jointure* I. 195
* Bridges v. Bridges, *Merger* VI. 483
——— v. D. of Chandos, *Recovery* V. 284
Bridges v. Hitchcock, *Deed* IV. 393. 396. 398
Bridgwater v. Bolton, *Devise* VI. 175. 213, 214, 215
——— v. Edwards, *Rents* III. 288
Bright v. Forth, *Copyhold* I. 260
Bristol v. Hungerford, *Mortgage* II. 188, 189
* Bristow v. Boothby, *Devise* VI. 370
* ——— v. Warde, *Deed* IV. 210
* Britton v. Twining, *Devise* VI. 408
* Broad v. Bevan, *id.* 162
Broderick v. Broderick, *Deed* IV. 411
* ——— ———, *Devise* VI. 53
Brome's (Sir J.) Case, *Fine* V. 82
Bromfield v. Crowther, *Remainder* II. 228
Brooke v. Biddolph, *Recovery* V. 356
——— v. Hertford, *Tenancy in Common* II. 112, 113
* ——— v. Oliver, *Dower* I. 155
Brookes v. Brookes, *Deed* IV. 272
* Broom v. Hore, *Rents* III. 304
Brothers v. Bence, *Alienation by Custom* V. 463
Brotherton v. Hatt, *Deed* IV. 455. 458

Vol. Page
Broughton v. Conway, *Deed* IV. 382
——— v. Errington, *Jointure* I. 216
———————, *Devise* VI. 153
——— v. Langley, *Use* I. 357. 369
———————, *Trust* 385
———————, *Devise* VI. 276
——— v. Randall, *Dower* I. 157
Brouncker v. Bagot, *Devise* VI. 396
Brown's Case, *Copyhold* I. 294
———————, *Alienation by Custom* V. 477
Brown's (Sir G.) Case, *Recovery* 412
Brown v. Barkham, *Mortgage* II. 151, 152
——— v. Biggs, *Devise* VI. 340
——— v. Foster, *Alienation by Custom* V. 456
——— v Gibbs, *Trust* I. 434. 441
* ——— v. Higgs, *Deed* IV. 231
* ———————, *Devise* VI. 163
——— v. Holm, *Recovery* V. 394
——— v. Jones, *Deed* IV. 437
* ——— v. Kenyon, *Devise* VI. 340
* ——— v. Parry, *Dower* I. 186
* ——— v. Pocock, *Separate Use*, Appendix, VII. 15
——— v. Quilter, *Rents* III. 300
——— v. Raindle, *Copyhold* I. 289
——— v. Rawlins, *id.* 257
——— v. Thompson, *Devise* VI. 90, 91
Browne v. Jerves, *id.* VI. 232
——— v. Warner, *Deed* IV. 58
Browning v. Wright, *id.* 383
Brownsword v. Edwards, *Remainder* II. 228
Brownsword v. Edwards, *Devise* VI. 145. 147, 148. 411, 412. 421
* Bruce v. Bainbridge. *id.* 216
Brudenell v. Boughton, *id.* 64. 79
——— v. Elwes, *Deed* IV. 203. 350
Brudnell v. Roberts, *id.* 372
* Bruin, demand, *Recovery* V. 354
* Brummell v. Mackpherson, *Estate on Condition* II. 7
——— v. Prothero, *Estate in Fee* I. 59
*Brunker v. Cooke, *Devise* VI. 32
Bruyn's (Sir J.) case, *Fine* V. 135
Brydges v. Brydges, *Recovery* V. 389
——— v. Chandos, *Devise* VI. 99. 102. 106
* ——— v. Landon, *id.* 356
Buchanan v. Hamilton, *Trust* I. 461
Buck v. Nurton, *Devise* VI. 175
Buckridge v. Ingram (1 Ves. J. 652), *Dower* I. 161
Buckhurst's Case, *Deed* IV. 141. 271
Buckingham's (Duke of) Case, *Offices* III. 106
——— v. Antrim, *Deed* IV. 166
——— (Earl of) v. Drury, *Jointure* I. 190. 195. 200
——————— v. Hobart, *Merger* VI. 498
Buckle v. Mitchell, *Deed* IV. 430
* Buckley v. Nightingale, *Estate in Fee* I. 57
Buckmere's case, *Fine* V. 161
Buckworth v. Thirkell, *Dower* I. 165
———————, *Devise* VI. 374
* Bull v. Kingston, *id.* 161
*——— v. Vardy, *id.* 163

	Vol. Page
* Bullen v. Denning, *Estate for Life*	I. 116
Buller v. Cheverton, *id.*	112
——, *Rents*	III. 290
—— v. Exeter, (Ep.) *Advowson*	17
Bullock v. Dommitt, *Estate for years*	I. 233
* —— v. Fladgate, *Deed*	IV. 207
—— v. Stones, *Devise*	VI. 424
—— v. Thorne, *Deed*	IV. 235
——, *Fine*	V. 185
* Bunker v. Cooke, *Merger*	VI. 468
Bunting v. Lepingwel, *Alienation by Custom*	V. 453
Burchett v. Durdant, *Trust*	I. 385
——, *Devise*	VI. 166
Burden v. Kennedy, *Estate by Statute, &c.*	II. 52
Burdett v. Hopegood, *Remainder*	252
——, *Devise*	VI. 451
Burdon v. Burdon, *Dower*	I. 177
Burford v. Lee, *Devise*	VI. 398
Burges v. Lamb, *Estate for Life*	I. 130
—— v. Mawbey, *id.*	107
Burgess v. Wheate, *Trust*	405. 412. 448
——, *Escheat*	III. 402. 415
Burgh v. Francis, *Mortgage*	II. 168
——, *Deed*	IV. 48
Burke v. Jones, *Devise*	VI. 358
Burkitt v. Burkitt, *id.*	86
Burley's Case, *id.*	243. 280
Burnaby v. Griffin, *Recovery*	V. 385
Burnet v. Mann, *Deed*	IV. 195
Burrel's Case, *id.*	425
* Burrell v. Crutchley, *id.*	156
—— v. Dodd, *Copyhold*	I. 257, 258
Burnell v. Dodd, *Coparcenary*	II. 396
Burtonshaw v. Gilbert, *Devise*	VI. 89. 122
Burton's case, *Recovery*	V. 320
* Burton v. Barclay, *Merger*	VI. 469. 492
—— v. Knowlton, *Estate in Fee*	I. 69
—— v. Rigby, *Recovery*	V. 279. 333
—— v. Slattery, *Mortgage*	II. 151
Bury (Corporation of) v. Evans, *Tithes*	III. 55
—— v. Taylor, *Deed*	IV. 128
Busby v. Greenslate, *Devise*	VI. 130. 289
Bush's Case, *Dower*	I. 181
* Bushby v. Dixon, *Prescription*	III. 443
Bushel v. Burland, *Deed*	IV. 127
Bushley's Case, *Fine*	V. 129
* Bustard's Case, *Dower*	I. 164. 172
——, *Deed*	IV. 75. 357
Butcher v. Butcher, *id.*	IV. 210, 211
* —— v. Kemp, *Dower*	I. 186
Bute v. Stuart, *Devise*	VI. 161
Butler and Baker's Case, *Devise*	VI. 26. 30, 31
* — v. Butler, *Mortgage*	II. 142
—— v. Monnings, *Rents*	III. 302
—— v. Swinerton, *Deed*	IV. 386
—— v. Waterhouse, *id.*	432
—— v. Wigge, *id.*	92
Butt's Case, *Estate for Years*	I. 229
* — Demand, *Fine*	V. 82
Butterfield v. Butterfield, *Devise*	VI. 382
* Byas v. Byas, *id.*	205
* Bye v. Hayward, *Fine*	V. 145
Byrte v. Manning, *Advowson*	III. 24

Vol. Page

C

* Cadell v. Palmer, *Perpetuity* IV. 344
Cadogan v. Kennet, *Deed* IV. 438
Cage v. Russel, *Condition* II. 30
Calamy's Case, *Mortgage* 171
Calmady v. Calmady, *Joint Tenancy* 389
Cambell's Case, *Estate by Statute, &c.* 51. 56
———, *Rents* III. 305
Camden v. Morton, *id.* 300
Camfield v. Gilbert, *Devise* VI. 182
* Campbell v. French, *id.* 82
* ——— v. Graham, *Prescription* III. 469
——— v. Leach, *Deed* IV. 202. 228
——— v. Lewis, *id.* 376
——— v. Sandys, *Estate for Life* I. 104
———, *Deed* IV. 241
——— v. Walker, *Trust* I. 458, 459
——— v. Wilson, *Ways* III. 87
Cann v. Cann, *Alienation by Custom* V. 484
Cannell v. Buckle, *Deed* IV. 15. 33
Canning v. Hicks, *Mortgage* II. 155
Cannon v. Pack, *id.* 174
———, *Alienation by Custom* V. 462
Canon's Case, *Deed* IV. 280
Capel's Case, *Recovery* V. 371. 391
—— v. Girdler, *Trust* I. 422
Car v. Ellison, *Devise* VI. 40
Carden v. Tuck, *id.* 175

Vol. Page

Cardigan (E. of) v. Montague, *Deed* IV. 160. 176
Carew's Case, *Copyhold* I. 270
Carew v. Carew, *Jointure* 200
Carey v. Askew, *Devise* VI. 68
* — v. Stafford, *Deed* IV. 436
Carhampton v. Carhampton, *Fine* V. 248
Carleton v. Dorset, *Deed* IV. 413
——— v. Griffin, *Devise* VI. 59
* Carlisle (Bp.) v. Blain, *Tithes* III. 48
Carpenter v. Carpenter, *Jointure* I. 201
Carr v. Erroll, *Remainder* II. 266
* ———, *Deed* IV. 338
—— v. Singer, *Alienation by Custom* V. 481
———, *Devise* VI. 38
Carrier v. Franklin I. 351
Carrington's Case, *Fine* V. 240
Carte v. Carte, *Devise* VI. 112
Carter, *Exparte, Mortgage* II. 112
—— v. Barnadiston, *id.* 135
———, *Remainder* 328
———, *Fine* 121
———, *Recovery* 275. 394
—— v. Murcot, *Franchise* III. 262
—— v. Ringstead, *Deed* IV. 257
—— v. Tash, *Prescription* III. 435
Cartwright v. Pulteney, *Joint Tenancy* II. 389
Caruthers v. Caruthers, *Jointure* I. 190. 192. 194. 200
Carwardine v. Carwardine, *Mortgage* II. 267
Casburne v. Inglis & Scarfe, *id.* 95. 105
———, *Escheat* III. 407

Vol. Page

Cass v. Waterhouse, *Deed* IV. 33
Casson v. Dade, *Devise* VI. 54
Castle v. Dod, *Use* I. 377
Castleacre's (Prior of) Case, *Private Act* V. 8
Caswall, *Exparte*, *Deed* IV. 198
Cave v. Cave, *Devise* VI. 25
Cavendish v. Worsley, *Estate Tail* I. 84
Cecil's Case, *Estate by Statute, &c.* II. 51
Chadock v. Cowley, *Devise* VI. 233. 343
Challenger v. Sheppard, *id.* 210
* Challis v. Casborn, *Mortgage* II. 106
Challoner v. Murhall, *Alienation by Custom* V. 484
* Chalmers v. Storrill, *Dower* I. 186
Cham v. Dover, *Copyhold* 279
Chamberlain v. Turner, *Devise* VI. 182
Chamberlaine v. Dummer, *Estate for Life* I. 130
——— v. Ewer, *Estate for Years* 236. 239
* ———, *Merger* VI. 479
Chambers v. Chambers, *Deed* IV. 319
* ——— v. Waters, *Trust* I. 459
Champernow v. Godolphin, *Fine* V. 236
Chandos's Case, *King's Grant* 59
* Chandos, Barony of, *Dignities* III. 223
* ——— (Duke of) v. Talbot, *Estate for Life* I. 117
* ———, *Merger* VI. 499
Chapman v. Bacon, *Recovery* V. 354

Vol. Page

Chaplain v. Southgate, *Deed* IV. 379
Chaplin v. Chaplin, *Mortgage* II. 154
* ———, *Rents* III. 292. 294
* ———, *Recovery* V. 374
——— v. Leroux, *Devise* VI. 125, 126
Chapman's Case, Title *id.* 174
——— v. Blissett, *Trust* I. 387
———, *Remainder* II. 247
———, *Devise* VI. 423
——— v. Brown, *id.* 150
——— v. Dalton, *Deed* IV. 246
——— v. Emery, *id.* 428. 433
* ——— v. Hart. *Devise* VI. 205
——— v. Sharpe, (2 Show. 184) *Copyhold* I. 286
——— v. Tanner, *Mortgage* II. 88
Charlewood v. D. of Bedford, *Deed*, IV. 33
* Charlton v. Low, *Merger* VI. 493
Charman v. Charman, Title *Devise* VI. 111
Chatham (E. of) v. Tothill, *id.* 382
Chedington's Case, *Deed* IV. 59
Cheney v. Hall, *Recovery* V. 397
Chester v. Chester, *Devise* VI. 196
——— v. Painter, *id.* 270
——— v. Willan, *Joint Tenancy*, II. 383
* ———, *Deed* IV. 250
——— v. Willes, *Estate in fee* I. 56
* ———, *Merger* VI. 496
Chesterfield's Case, *Recovery* V. 421
Chesterfield v. Bolton, (2 Com. R. 627) *Estate for life* I. 133

Vol. Page
Chesterfield v. Cromwell, *Mortgage* II. 153
———— v. Janssen, *Deed* IV. 410
Chetwood v. Crew, *Tenures* I. 33
———— *Franchise* III. 252
Cheval v. Nichols, *Deed* IV. 452. 457
Cheyney's Case, *Use* I. 359
————, *Devise* VI. 153
* ————, *Merger* 490
Chichester v. Oxenden, *Devise* VI. 215. 271
* ——— v. Sheldon, *Tithes* III. 43
* Child v. Baylie, *Devise* VI. 396. 398. 400. 436
Cholmeley's Case, *Remainder* II. 216. 231
————, *Recovery* V. 371. 422
Cholmeley v. Attorney General, *Tithes* III. 50
——— v. Humble, *Remainder*, II. 233
* ——— v. Paxton, *Estate for life* I. 128
Cholmondeley's Case, *Remainder* II. 306
Cholmondeley v. Clinton, *Trust* I. 406
——— v. Clinton, *Mortgage* II. 80. 94. 121
————, *Prescription* III. 461
————, *Deed* IV. 243. 248
Chorlton v. Taylor, *Devise* VI. 215
Christopher v. Christopher, *id.* 89
* ——— v. Sparke, *Mortgage* II. 121
Chudleigh's Case, *Remainder* 259. 260. 268. 275. 277. 282. 304. 306. III. 280. IV. 100

Vol. Page
* Church v. Edwards, *Merger* VI. 471
——— v. Mundy, *Devise* 198. 200. 205
——— v. Wyat, *Alienation by Custom* V. 477
————, *Devise* VI. 232
* Churchill v. Small, *Estate for Life* I. 107
* Churchman v. Ireland, *Devise* VI. 21
Clache's Case, *id.* 343
Clanrickard's (E. of) Case, *Merger* VI. 475. 487
Clapham v. Bowyer, *Mortgage* II. 114
Clare v. Clare, *Devise* VI. 407, 408
Clarendon v. Hornby, *Tenancy in Common* II. 411
Clark v. Cogge, *Ways* III. 87
* — v. Greenhill, *Fine* V. 179
—— v. Lucy. *Condition* II. 19
—— v. Ward, *Fine* V. 252
Clarke v. Abbot, *id.* 202
—— v. Parker, *Estate in Condition* II. 21
—— v. Pennefather, *Copyhold* I. 270
* — v. Rutland, *Merger* VI. 496
—— v. Smith, *Devise* 125. 377. 423
Clarkson v. Woodhouse, *Common* III. 79
*——— v. Lord Scarborough, *Rents* III. 309
Clavering v. Clavering, *Estate for Life* I. 118
———— , *Deed* IV. 434
Claxton v. Claxton, *Estate for Life* I. 125

	Vol. Page
Clay v. Sharpe, *Mortgage*	II. 79
Cayton's Case, *Deed*	IV. 59
Clayton v. Blakey, *Estate at Will*	I. 247
* —— v. Burtenshaw, *Deed*	IV. 58
—— v. Cookes, *Copyhold*	I. 316
—— v. Earl of Winton, *Deed*	IV. 443
Clear v. Peacock, *Devise*	VI. 26
* Clements v. Lambert, *Common*	III. 84
—— v. Langharne, *Fine*	V. 73
—— v. Scudamore, *Descent*	III. 388. 390
Clere's Case, *Use*	I. 371
——, *Trust*	396
Clere's Case, *Remainder*	II. 326
——, *Deed*	IV. 134. 172. 212, 213. 215.
Clere v. Brooke, *Descent*	III. 355. 357, 358. 365. 374
Clerk v. Clerk, *Deed*	IV. 288
—— v. Day, *Devise*	VI. 295
—— v. Wright, *Deed*	IV. 36
Clerke v. Pywell, *Fine*	V. 244
Cliffe v. Gibbons, *Devise*	VI. 218
Clifford, Barony, Case of, *Dignities*	III. 196. 213
——, of Launsburg, Barony, Case of, *id.*	211
—— v. Asbley, *Fine*	V. 179
—— v. Burlington, *Deed*	IV. 223
*—— v. Lewis, *Devise*	VI. 355
Clifton's Case, *Estate for Life*	I. 120
Clifton, Barony, Case of, *Dignities*	III. 187
—— v. Burt, *Mortgage*	II. 134
Clifton v. Molyneux, *Copyhold*	I. 261
Clinton, Barony, Case of, *Dignities*	III. 201
—— v. Hooper, *Mortgage*	II. 147
Clithero v. Franklin, *Recovery*	V. 370
Clough v. Clough, *Deed*	IV. 16
Clun's Case, *Rents*	III. 282
—— *Alienation by Custom*	V. 477
Clutterbuck v. Brabant, *Fine*	143
Clyatt v. Battison, *Mortgage*	II. 149
Clymer v. Littler, *Devise*	VI. 7
Cobb v. Stokes, *Estate at Will*	I. 251
*Cocker v. Quayle, *Power*	IV. 193
*Cockerell v. Cholmeley, *id.*	180
Cockman v. Farrer, *Fine*	V. 240
*Coffin v. Coffin, *Estate for Life*	I. 129
Cogan v. Cogan, *Remainder*	II. 236
Coke's Case, *Deed*	IV. 232. 420
Coke v. Bullock, *Devise*	VI. 109
Cole v. Gibson, *Deed*	IV. 411
—— v. Levingston, *id.*	298
*——, *Devise*	VI. 345
—— v. Rawlinson, *id.*	217
—— v. Wade, *Deed*	IV. 211
Colebroke v. Elliot, *Franchise*	III. 258
*Coleburn v. Mixtone, *Merger*	VI. 469. 479
Coleby v. Smith, *Fine*	V. 253
*Coleman v. Jones, *Dower*	I. 186
—— v. Upcot, *Deed*	IV. 34
—— v. Wynce, *Mortgage*	II. 107
Coles v. Trecothick, *Trust*	I. 459
——, *Deed*	IV. 35
Collier's Case, *Devise*	VI. 222
Collingwood v. Pace, *Descent*	III. 321. 325
Collins v. Goodall, *Prescription*	456
—— v. Harding, *Rents*	304
—— v. Plummer, *Recovery*	V. 382

Vol. Page
Collinson v. Wright, *Devise* VI. 412
*Collyer v. Fallon, *Offices* III. 117
——— v. Howse, *Tithes* 41
*——— v. Mason, *Recovery* V. 275
*Colmore v. Tyndall, *Trust* I. 383
Colson v. Colson, *Devise* VI. 277, 278. 292. 320. 324
Colt v. Colt, *Trust* I. 409
Colthirst v. Bejushin, *Remainder* II. 235
Colton v. Wilson, *Devise* VI. 70
Colvile v. Parker, *Deed* IV. 425. 428
Comber v. Hill, *Devise* VI. 344. 350, 351
Combes's Case, *Alienation by Custom* V. 449
Commons v. Marshall, *Deed* IV. 171
*Compton v. Bearcroft, *Dower* I. 155
——— v. Collinson, *Alienation by Custom* V. 451
*——— v. Oxenden, *Merger* VI. 498
Constable's Case, *Franchise* III. 259
*Conway's (Lord) Case, *Mortgage* II. 131. 133
Conway v. Shrimpton, *id.* 116. 152
Conyer's Barony, Case of, *Dignities* III. 201
*Cook v. Cook, *Estate for Life* I. 117
———, *Joint Tenancy* II. 365
———, *Devise* VI. 169. 260
——— v. Fountain, *Use* I. 359
——— v. Gwavas, *Mortgage* II. 126
——— v. Herle, *Rents* III. 294
——— v. Parsons, *Devise* VI. 55, 56
——— v. Winford, *Jointure* I. 200
Cooke, Demand. *Fine* V. 139
——— v. Booth, *Deed* IV. 246. 397, 398. 400
——— v. Gerrard, *Devise* VI. 195
*——— v. Soltau, *Trust* I. 415, 416
Vol. Page
Cooke v. Whaley, *Estate Tail after Possibility, &c.* I. 137
Cookes v. Mascall, *Deed* IV. 37
Coombes v. Gibson, *Copyhold* I. 284
———, *Devise* VI. 359
Cooper v. Franklin, *Use* I. 351, 352, 353
——— v. Jones, *Devise* VI. 352
——— v. Marshall, *Common* III. 76
*——— v. Wyatt, *Estate on Condition* II. 12
Coot v. Berty, *Dower* I. 176
Cooth v. Jackson, *Deed* IV. 43
Coots v. Lambert, *Dower* I. 169
Cope v. Cope, (2 Salk. 449) *Mortgage* II. 124. 138
Coplande v. Piatt, *Recovery* V. 410
Coppin v. Coppin, *Devise* VI. 70
Coppinger v. Keating, *Coparcenary* II. 394
———, *Tenancy in Common* 407
Corbet's Case, *Estate for Years* I. 223
———, *Remainder* II. 233, 234
———, *Common* III. 68
———, *Recovery* V. 381
———, *Devise* VI. 30
*Corbet v. Corbet, *Jointure* I. 191. 200
——— v. Stone, *Remainder* II. 244
———, *Fine* V. 228
——— v. Tichborne, *Remainder* II. 242
*Corbyn v. French, *Mortmain* VI. 16
Corder v. Morgan, *Mortgage* II. 79
Cordwell v. Mackrill, *Deed* IV. 325
Cormick v. Trapaud, *id.* 429
Cornel v. Sykes, (1 Ch. Rep. 103) *Mortgage* II. 114
Cornish v. Mew, *id.* 133

Vol. Page

Corresbie v. Rusky, *Copyhold* I. 264
Coryton v. Helliar, *Devise* VI. 138. 163
*Cossens ex parte, *Offices* III. 110
*Costigan v. Hastler, (2 Sch. & Lef. 160.) *Mortgage* II. 86
Cother v. Merrick, *Rents* III. 278
Cotter v. Layer, *Deed* IV. 225
———, *Devise* VI. 93
Cotterel v. Hampston, *Trust* I. 451
Cotterel v. Purchase, *Mortgage* II. 72
*——— v. Dutton, *Prescription* III. 434. 452
Cottingham v. King, *Recovery* V. 345
Cottington v. Fletcher, *Trust* I. 391
Cotton's Case, *Fine* V. 210
Cotton v. Heath, *Devise* VI. 394, 395
—— v. King, *Deed* IV. 413
—— and Tyrrell, *Fine* V. 75. 80
Couch v. Stratton, *Jointure* I. 192
Counden v. Clerke, *Devise* VI. 241
Cousin's Case, *Fine* V. 128
Coventry (Mayor of) v. the Attorney-General, *Trust* I. 403
——— v. Coventry, *Jointure* 203. 205
———, *Deed* IV. 152. 156. 168. 224
Coward v. Marshal, *Devise* VI. 74
Cowper v. Andrews, *Prescription* III. 428
——— v. Clark, *Copyhold* I. 302
Cox (Sir C.) Creditors of, *Trust* 418
———, *Mortgage* II. 103
——— v. Barnsby, *Estate by Statute, &c.* 52
—— v. Chamberlain, *Deed* IV. 213. 217
—— v. Higford, *Copyhold* I. 322

Vol. Page

Coxhead's Case, *Estate Tail* I. 87
———, *Deed* IV. 421
Craghill v. Pattinson, *Fine* V. 143
Crane v. Taylor, *Deed* IV. 65
Cranmer's Case, *id.* 310
Crathorne v. Taylor, *Tithes* III. 48
Crawford v. Powell, *Offices* 108
Crawley's Case, *Use* I. 353
Crawley v. Wells, *Tithes* III. 41
*Crawshaw v. Maule, *Tenancy in Common* II. 410
Cray v. Rooke, *Deed* IV. 418
Crayford v. Crayford, *id.* 382
Crewe v. Dicken, (4 Ves. 97.) *Trust* I. 454. 460
Crickmere v. Patterson, *Devise* VI. 353
*Cripps v. Reade, *Deed* IV. 390
* —— v. Wolcott, *Devise* VI. 340
Crisp v. Freer, *Copyhold* I. 312
—— v. Heath, *Mortgage* II. 105
Crispe's Case, *Advowson* III. 7
Croft v. Howel, *Fine* V. 171
—— v. Pawlet, *Devise* VI. 55
—— v. Powel, *Mortgage* II. 78
*Croker v. Martin, *Deed* IV. 434
Crompton's Case, *Fine* V. 82
Cromwell's Case, *id.* 188
*Crooke v. De Vandes, *Devise* VI. 373
*Crop v. Norton, *Estate for Life* I. 107
Cross v. Faustenditch, *Deed* IV. 431
Cross, Demand. *Fine* V. 140
———, *Recovery* 354
—— v. Hudson, *Deed* IV. 213. 241
* ———, *Merger* VI. 490
Crossing v. Scudamore, *Deed* IV. 101. 106. 249
Crossley v. Clare, *Devise* VI. 172
Crouch v. Frier, *Tithes* III. 52

	Vol. Page
Croucher v. Collins, *Tithes*	III. 42
Crow v. Stodart, *id.*	44
*Crowder v. Stone, *Devise*	VI. 340
*Crowe v. Baldwere, *Merger*	481. 490
Crowley v. Swindles, *Deed*	IV. 247
*Crowther v. Oldfield, *Copyhold*	I. 265
*Crozier v. Fisher, *Devise*	VI. 340
*Crump v. Norwood, *Remainder*	II. 273
* ——————, *Devise*	VI. 283
* ——————, *Merger*	473
Crusoe v. Bugby, *Condition*	II. 8. 10
Cruttenden v. Bourbell, *Fine*	V. 113
*Cruwys v. Colman, *Devise*	VI. 163
Cudmore v. Raven, *Copyhold*	II. 321
Culpepper v. Aston, *Trust*	I. 452
Cumberford's Case, *Deed*	IV. 160. 163. 175
Cumberland's Case, *Estate for Life*	I. 116
Cunliffe v. Cunliffe, *Devise*	VI. 160
Cunningham v. Moody, *Curtesy*	I. 148
——————, *Descent*	III. 382
——————, *Deed*	IV. 146. 148
Cuppledike's Case, *Recovery*	V. 378. 380
Curle's Case, *Offices*	III. 101
——————, *King's Grant*	V. 57
Curson's Case, *Estate by Statute, &c.*	II. 51
Curteis v. Wolverston, *Devise*	VI. 354
Curtis v. Curtis, *Dower*	I. 172, 173
—— v. Daniel, *Copyhold*	283
—— v. Price, *Trust*	384
* ——————, *Deed*	IV. 307
*—— v. Rippon, *Devise*	VI. 161
Curwen v. Salkeld, *Franchise*	III. 265
Cusack v. Cusack, *id.*	316
Cuthbert v. Baker, (2 Sug. V. & P. 42. ed. 9.) *Trust*	I. 453
Cutting v. Derby, *Estate at Will*	250

D.

	Vol. Page
Da Costa v. Davis *Condition*	II. 28
* ——— v. Keir, *Devise*	VI. 340
Dafforne v. Goodman, *Deed*	IV. 326, 327
Dalby v. Champernoon, *Devise*	VI. 195
Dalby v. King, *Prescription*	III. 432
Dalton v. Hamond, *Copyhold*	I. 303. 311
Daly v. Clanrickarde, *Condition*	II. 20
—— v. Desbouverie, *id.*	19
Damport v. Wright, *Fine*	V. 200
*Danby v. Danby, *Merger*	VI. 493
*Daniel v. Adams, *Fine*	V. 179
——— v. Ubley, *Deed*	IV. 143
——— v. Upton, *Devise*	VI. 256
*Daniell v. Daniell, *id.*	340
Daniels v. Davison, *Mortgage*	II. 196
Dann v. Spurrier, *Deed*	IV. 60
*Dansey v. Griffiths, *Devise*	VI. 373
Darbison v. Beaumont, *id.*	166
Darcy v. Hall, *Mortgage*	II. 187
—— v. Jackson, *Recovery*	V. 323. 427
Dare v. Hopkins, *Estate for Life*	I. 125
Darell v. Bridge, *Franchise*	III. 269
Darley v. Langworthy, *Condition*	II. 27

Vol. Page

Darley v. Darley, *Devise* VI. 97. 113
Darlington v. Pulteney, *Deed* IV. 193
Darrell v. Gunter, *id.* 252
*Dartmouth (Lady) v. Roberts, *Tithes* III. 47
Dashwood v. Peyton, *Advowson* 30
*———————, *Devise* VI. 162
Davenport's Case, *Deed* IV. 60
Davenport v. Oldis, *Devise* VI. 345. 348. 350, 351, 352
——— v. Tyrrel, *Coparcenary* II. 393
———————, *Prescription* III. 430. 437
Davidson v. Foley, *Trust* I. 395. 421
Davie v. Beardsham or Beversham, *Alienation by Custom* V. 449
——————— *Devise* VI. 40
—— v. Stevens, *id.* 240
*Davis v. Bird, *Remainder* II. 333
*—— v. Bush, *Fine* V. 186. 213
*——————— *Merger* VI. 473
*—— v. Connop, *Jointure* I. 234
—— v. Weld, *Remainder* II. 293
*Davis v. Gardner, *Devise* VI. 356
——— v. Gibbs, *id.* 186. 190
* —— v. Jones, *Fine* V. 179
——— v. Norton, *Remainder* II. 223
——— v. Speed, *Use* I. 374
———————, *Remainder* II. 261. 327
———————, *Deed* IV. 246. 345
——— v. Strathmore, *Estate by Statute, &c.* II. 45
——— v. Taylor's Company, *Deed* IV. 399
* —— v. West, *Estate on Condition* II. 31
Davison v. Gardner, *Trust* I. 457
Davy v. Kemp, *Devise* VI. 129

Vol. Page

Davye v. Pepys, *Estate in Fee* I. 57
———————, *Mortgage* II. 131
Dawes v. Ferrers, *Devise* VI. 168
Dawney, Demand. *Recovery* V. 359
*Dawson v. Wood, *Deed* IV. 424
Day v. Hungat, *Fine* V. 250. 252
——— v. Merry, *Estate for Life* I. 129
——— v. Trig, *Devise* VI. 185
*Darell v. Champneys, *Remainder* II. 308
* Debary (*in re*), *Recovery, Infant Trustee* Appendix, VII. 17
De Bathe v. Fingall, *Devise* VI. 58
* Dearhurst (Lord) v. Duke of St. Albans, *Deed* IV. 338
Deg v. Deg, *Mortgage* II. 104
———————, *Deed* IV. 198
De Grey v. Richardson, *Curtesy* I. 141
Delaware's (Lord) Case, *Dignities* III. 154
Den v. Hobson, *Estate Tail* I. 71
——— v. Trout, *Devise* VI. 181
Dench v. Bampton, *Copyhold* I. 282
Denn v. Lord Abingdon, *Estate by Statute, &c.* II. 48
—— v. Bagshaw, *Devise* VI. 173
——— v. Fearnside, *Estate at Will* I. 243
—— v. Gaskin, *Devise* VI. 209. 213. 261. 263. 336
——— v. Gillot, *Deed* IV. 284
* — v. Hood, *Devise* VI. 271
——— v. Johnson, (10 East. 266) *Copyhold* I. 282
——— v. Kemeys, *Devise* VI. 147
——— v. Mellor, *id.* 223. 268
——— v. Page, *id.* 263. 265
——— v. Puckey, *id.* 252. 305
——— v. Shenton, *id.* 232. 235

Vol. Page
Denn v. Slater, *Devise* VI. 232. 243
—— v. Spray, *Descent* III. 392. 394, 395
* — v. Welford, *Fine* V. 137
Denne v. Bowyer, *Devise* VI. 364
* —— v. Judge, *Joint Tenancy* II. 383
Dennis v. Loving, *Offices* III. 103
Denton's Case, *Deed* IV. 46
Derby's (Lord) Case, *Remainder* II. 206, 207. 243
——————, *Recovery* V. 335
Derby Canal Company, v. Wilmot, *Deed* IV. 28
Derisley, v. Custance, *id.* 382
Derwentwater's (Lord) Case, *Remainder* II. 320
* Descarlett v. Dennett, *Estate on Condition* 31
Dethick v. Bradburne, *Rents* III. 291
Deux v. Jefferies, *id.* 302
Devon's (Earl of) Case, *Estate in Fee* I. 61
* ——————, *Dignities* III. 147. 149. 238
Dewar v. Span, *Deed* IV. 410
Dewell v. Sanders, *Prescription* III. 426
* Dewey v. Bayntun, *Deed* IV. 442
Dey v. Thwaits, *id.* 196
Dickens v. Marshal, *Devise* VI. 267
Dickson v. Robinson, *Dower* I. 186
Digby's Case, *Descent* III. 387
Digby v. Craggs, *Mortgage* II. 170
—— v. Legard, *Trust* I. 395
Digges's case, *Deed* IV. 189. 201. 220. 239
——————, *Fine* V. 184. 186, 187
Vol. Page
Dighton v. Greenvil, *Estate by Statute, &c.* II. 60
——————, *Fine* V. 184. 193
* ——————, *Merger* VI. 475
* Dillon v. Dillon, *Estate for Life* I. 104
* — — v. Harris, *Devise* VI. 148
——— v. Leman, *Fine* V. 210
Dister v. Dister, *Devise* VI. 96, 97
* Dixies v. Hilary, *Estate for Life* I. 107
* Dixon, Demand. *Fine* V. 144
——— v. Robinson, *Franchise* III. 265, 266
——— v. Saville, *Trust* I. 410
——————, *Mortgage* II. 98
* —— v. Wigram, *id.* 84
* Dobson and others v. Dewar, *Fine* V. 145
Doctors' Commons v. Dean and Chapter of St. Paul's, *Deed* IV. 396
Dod v. Dickinson, *Devise* VI. 290
——v. Dod, *Deed* IV. 323
Dodington's Case, *Estate in Fee* I. 61
Dodson v. Hay, *Curtesy* 148
Doe v. Abney, *Devise* VI. 333
—— v. Alchin, *Deed* IV. 210
—— v. Allen, *Devise* VI. 128. 213. 269
—— v. Allsop, *Deed* IV. 454
—— v. Applin, *Devise* VI. 251. 306
* — v. Archer, *Deed* IV. 71
—— v. Ashburner, *id.* 57
* — v. Bancks, *id.* 73
—— v. Bartle, *Devise* VI. 38. 69. 197
* — v. Barthrop, *Trust* I. 388
—— v. Bateman, *Estate on Condition* II. 4

	Vol. Page
Doe v. Bell, *Estate at Will*	I. 246
* — v. Bettison, *Deed*	IV. 177
* — v. Biggs, *Trust*	I. 385
* ——— *Deed*	IV. 127
—— v. Bingham, *id.*	25. 407
* — v. Bird, *Tenancy in Common*	II. 403
* — v. Bliss, *Estate on Condition*	9
* — v. Bluck, *Devise*	VI. 237
—— v. Bower, *id.*	174
—— v. Bradley, *id.*	240
* — v. Brandling, *Private Act*	V. 12
—— v. Brazier, *Devise*	VI. 195
* — v. Brightwen, *Trust*	I. 416
—— v. Britain, *Deed*	IV. 237
—— v. Brown, *Devise*	VI. 155
—— v. Buckner *id.*	175. 213
—— v. Burnsall, *id.*	273
—— v. Burt, *Deed*	IV. 269
—— v. Burville, *Devise*	VI. 347
—— v. Butcher, *Deed*	IV. 71
—— v. Calvert, *id.*	167
—— v. Carleton, *Devise*	VI. 423
—— v. Carter, *Condition*	II. 10, 11
———, *Estate by Statute, &c.*	43
—— v. Lady Cavan, *Deed*	IV. 158. 166. 194
—— v. Cavendish, *Devise*	VI. 16
—— v. Chapman, *id.*	179
* — v. Clare, *Copyhold*	I. 310
* ——— *Deed*	IV. 58
* — v. Clark, *Copyhold*	I. 274
* — v. Clarke, *Estate on Condition*	II. 12
———, *Devise*	VI. 15. 217. 227. 452
—— v. Clayton, *id.*	210. 215
* — v. Cleveland (M. of), *Deed*	IV. 48
*Doe v. Cole, *Deed*	IV. 251
—— v. Coleman, *Devise*	VI. 228
—— v. Collins, *id.*	175
* — v. Collis, *id.*	298
* — v. Colyear, *id.*	129. 279
* — v. Cook, *Trust*	I. 445
* — v. Cooke, *Devise*	VI. 148
—— v. Cooper, *id.*	253. 306. 345. 346
—— v. Cowling, *id.*	37
—— v. Cundall, *id.*	165. 228
—— v. Danvers, *Copyhold*	I. 255. 257. 259
———, *Trust*	397
———, *Prescription*	III 436. 441
———, *Devise*	VI. 68
—— v. Dauncey, *Alienation by Custom*	V. 481
* — v. Davies, *Devise*	VI. 239
—— v. Dilnot, *id.*	98
—— v. Dorvell, *Deed*	IV. 148. 298
—— v. Dring, *Devise*	VI. 181
—— v. Ellis, *Devise*	VI. 233. 235. 373
* — Elliot, see Roe v. Elliot	
—— v. Elvey, *Devise*	VI. 273
* — v. Evans, *id.*	58
* — v. Featherstone, *id.*	252. 283. 306
* — v. Finch, *Estate Tail*	I. 79
—— v. Fonnereau, *Remainder*	II. 247
* ———, *Deed*	IV. 310
—— v. Frost, *Devise*	VI. 368. 406
—— v. Fyldes, *id.*	231. 244
—— v. Gilbert, *id.*	217
* — v. Giles, (5 Bing. 421) *Estate at Will.*	I. 243
* ———, *Mortgage*	II. 81
—— v. Gillard, *Devise*	VI. 229

	Vol. Page
* Doe v. Goddard, *Copyhold*	I. 276
—— v. Goff, *Devise*	VI. 252. 283
* — v. Goldsmith, *id.*	283
—— v. Greathed, *id.*	184
* — v. Greenhill, *Estate by Statute Merchant*	II. 53
* — v. Groves, *Deed*	IV. 56
* — v. Gwillim, *Devise*	VI. 213. 262
* — v. Hall, *Alienation by Custom,*	V. 462
—— v. Hallett, *Devise*	VI. 170
—— v. Halley, *id.*	146
* — v. Harris, *Fine*	V. 168. 226
* — v. Harvey, *Devise*	VI. 283
* — v. Hawke, *Estate on Condition*	II. 11
—— v. Hellier, *Copyhold*	I. 318. 320
——————, *Fine*	V. 221
—— v. Heneage, *Remainder*	II. 266. 286
——————, *Deed*	IV. 349
* — v. Hickman, *Devise—Copyhold,*	VI. 69
—— v. Hicks, *Trust*	I. 383
* — v. Hiern, *Deed*	IV. 167
—— v. Hilder, *Trust*	I. 444, 445, 446
—— v. Holm, *Recovery*	V. 394
—— v. Holme, (2 Bl. R. 777) *Remainder*	II. 217
—— v. Holmes, *Devise*	VI. 223. 283
* — v. Howell, *Remainder*	II. 270
* ——————, *Devise*	VI. 421
* ——————, *Merger*	472. 489
—— v. Huntington, *Copyhold*	I. 256, 257, 258. 326
—— v. Hurrell, *Devise*	VI. 182. 218
Doe v. Huthwaite, *Devise*	VI. 165
—— v. Hutton, *Reversion*	II. 358
——————, *Descent*	III. 380. 382
——————, *Devise*	VI. 426
—— v. Ironmonger, *id.*	167. 283. 296. 335
* — v. Jackson, *Estate for Years,*	I. 243
* — v. James, *Deed*	IV. 425
* — v. Jenkins, *Devise*	VI. 344
—— v. Jenney, *Copyhold*	I. 295. 315
——————, *Alienation by Custom*	V. 455
—— v. Jersey, *Devise*	VI. 184
—— v. Jessep, *id.*	148. 411
—— v. Jesson, *Prescription*	III. 452
* ——————, *Devise*	VI. 252, 283
—— v. Joinville, *id.*	133
* — v. Jones, *Estate Tail*	I. 79
——————, *Descent*	III. 321
——————, *Prescription*	451
* ——————, *Deed*	IV. 135. 220
——————, *Fine*	V. 159. 206. 216
—— v. Keen, *Descent*	III. 349
—— v. Kersey, *Devise*	VI. 61
—— v. Kett, *id.*	132
* — v. Knight, *Deed*	IV. 29, 30
—— v. Lainchbury, *Devise*	VI. 181. 205
* — v. Lakeman, *id.*	273
—— v. Laming, *id.*	272. 283. 293
—— v. Lancashire, *id.*	90. 452
* — v. Langlands, *id.*	217
* — v. Lawder, *Estate at Will*	I. 243
—— v. Lea, *Remainder*	II. 227
——————, *Deed*	IV. 59
——————, *Devise*	VI. 364

Vol. Page

* Doe v. Bp. of Llandaff, *Devise* VI. 94
* — v. Lloyd, *Trust* I. 415
* — v. Ludlam, *Devise* VI. 38. 69. 194. 205
—— v. Luxton, *Estate for Life* I. 104
—— v. Lyde, *Devise* VI. 408
* — v. Maisey, *Estate at Sufferance* I. 243
* ————, *Mortgage* II. 80
—— v. Manning, *Deed* IV. 429
—— v. Martin, *Copyhold* I. 275
————, *Remainder* II. 262
————, *Deed* IV. 147. 278. 287
—— v. Mason, *Copyhold* I. 266
—— v. Meakin, *Devise* VI. 198
* — v. Mellor, *id.* 272
—— v. Micklem, *id.* 144. 379
—— v. Moore, *Remainder* II. 228
—— v. Morgan, *id.* 242. 250
————, *Alienation by Custom* V. 462. 464
————, *Devise* VI. 154. 378
—— v. Mulgrave, *id.* 265
—— v. Nelson, *Recovery* V. 369
—— v. Nicholls, *Trust* I. 388
* ————, *Devise* VI. 228
—— v. Nowell, *Remainder* II. 229
* — v. Oliver, *id.* 333
* ————, *Fine* V. 213
—— v. Over, *Devise* VI. 173
—— v. Parkin, *id.* 185
—— v. Parratt, *Joint Tenancy* II. 374
* ————, *Devise* VI. 267
* — v. Passingham, *Use* I. 356
* ————, *Trust* 382
—— v. Pearson, *Estate in Fee* 56

Vol. Page

Doe v. Pearson, *Estate on Condition* II. 5
————, *Devise* VI. 149
* — v. Peck, *Deed* IV. 73
—— v. Pegge, *Trust* I. 443
—— v. Perkes, *Devise* VI. 86
—— v. Perkins, *Prescription* III. 438
————, *Fine* V. 248
* — v. Perratt, *Devise* VI. 167
—— v. Perryn, *Remainder* II. 218. 229. 256
* — v. Phillips, *Devise* VI. 223
* — v. Pigott, *id.* 184
* — v. Pike, *Prescription* III. 437
* — v. Plowman, *Surrender* I. 444. 446
—— v. Plumptre, *Devise* VI. 173
—— v. Porter, *Estate at Will* I. 247
—— v. Pott, *Copyhold* 325
* ————, *Devise* VI. 107
* — v. Price, *Estate at Will* I. 245
* — v. Prigg, *Devise* VI. 340. 342
—— v. Prosser, *Tenancy in Common* II. 403. 406
* — v. Pyke, *Copyhold* I. 328
—— v. Quartley, *Devise* VI. 452
—— v Radcliffe, *Deed* IV. 175
* — v. Ramsden, *id.* 13
* — v. Ravell, *Devise* VI. 213
—— v. Rawding, *id.* 148. 368
—— v. Reason, *Remainder* II. 220
* — v. Redfern, *Escheat* III. 397
—— v. Reed, *Trust* I. 416
* ————, *Mortgage* II. 121
————, *Prescription* III. 437
* — v. Rees, *Deed* IV. 56
* — v. Rendle, *id.* 164
—— v. Richards, *Devise* VI. 222, 223. 268, 269

Vol. Page

Doe v. Rivers, *Estate Tail* I. 83
———, *Curtesy* 148
———, *Devise* VI. 236
—— v. Roberts, *Deed* IV. 410. 424
———, *Devise* VI. 175
* — v. Robinson, *Estate for Life* I. 111
* — v. Roe, *Estate at Will* 252
* ———, *Estate on Condition* II. 31
* ———, *Mortgage* 83
* ———, *Rents* III. 287
* ———, *Deed* IV. 73
—— v. Roper *Devise* VI. 209, 210. 217
—— v. Routledge, *Deed* IV. 434
—— v. Salkeld, *id.* 107
—— v. Sandham, *id.* 158. 177
* — v. Saunders, *id.* 114
* — v. Sayer, *Estate at Will* I. 243
—— v. Scott, *Trust* 443
—— v. Scudamore, *Remainder* II. 204. 218. 273
—— v. Shipphard, *id.* 223
—— v. Simpson, *Trust* I. 388
———, *Deed* IV. 107
* ———, *Devise* VI. 313
—— v. Sisson, *Descent* III. 394
* — v. Skeggs, *Estate on Condition,* II. 10
—— v. Smeddle, *Deed* IV. 282
—— v. Smith, *id.* 177
———, *Devise* VI. 174. 252
—— v. Snelling, *id.* 223, 224
* — v. Southron, *id.* 330
—— v. Spencer, *Fine* V. 126
—— v. Staple, *Trust* I. 443
———, *Deed* IV. 146
—— v. Stenlake, *Devise* VI. 144. 296

Vol. Page

Doe v. Sybourn, *Trust* I. 443
—— v. Timins, *id.* 388
———, *Devise* VI. 126. 423
—— v. Tofield, *Alienation by Custom* V. 452
———, *Devise* VI. 36. 43. 177
* — v. Tomkins, *Alienation by Custom* V. 451
* — v. Tomkinson, *Devise* VI. 27. 426
—— v. Truby, *Alienation by Custom* V. 482
* — v. Tucker, *Devise* VI. 216. 267. 272
* — v. Turner, *Fine* V. 244, 245
—— v. Underdown, *Devise* VI. 133
—— v. Vaughan and Walker, *id.* 265, 266
—— v. Vernon, *id.* 41
—— v. Wainewright, *Deed* IV. 301
* — v. Walker, (5 B. & Cr. 111.) *Estate for Years* I. 237. 239
* ———, *Deed* IV. 87
* ———, *Merger* VI. 469, 470. 478, 479
—— v. Waterton, *Deed* IV. 22
———, *Alienation by Custom* V. 453
—— v. Watts, *Deed* IV. 158
—— v. Weatherby, *Devise* VI. 181. 198
—— v. Webb, *id.* 352
—— v. Webber, *id.* 373
—— v. Weller, *Estate at Will* I. 246
———, *Deed* IV. 62. 70
—— v. Wetton, *Devise* VI. 235. 368
—— v. Wharton, *Estate by Statute, &c.* II. 56

	Vol. Page
Doe v. Whitehead, *Fine*	V. 186. 218
—— v. Wichelo, *Devise*	VI. 237
—— v. Willan, *id.*	228
—— v. Williams, *Deed*	IV. 249, 269
——————, *Fine*	V. 120
—— v. Wilson, *Copyhold*	I. 310
——————, *Joint Tenancy*	II. 374
——————, *Deed*	IV. 175, 176, 177
—— v. Wood, *Devise*	VI. 173. 272
* — v. Woodbridge, *Deed*	IV. 73
* — v. Woodhouse, *Devise*	VI. 229
—— v. Worsley, *Estate on Condition*	II. 9
——————, *Deed*	IV. 299
—— v. Wrighte, *Trust*	I. 444. 446
——————, *Devise*	VI. 128. 162
—— v. Wroot, *Alienation by Custom*	V. 462
——————, *Devise*	VI. 37
—— v. Yates, *Remainder*	II. 266
Dolin v. Coltman, *Fine*	V. 174
Done v. Smethier & Leigh, *id.*	72
Donisthorpe v. Porter, *Estate in Fee*	I. 56
——————, *Mortgage*	II. 139
Donn v. Penny, *Devise*	VI. 402
* Dormer's Case, *Deed*	IV. 247
* ——————, *Recovery*	V. 273. 340. 345
Dormer v. Fortescue, *Fine*	125
——— v. Thurland, *Deed*	IV. 190, 191
Douglasse v. Waad, *id.*	434
* Dove v. Williot, *Merger*	VI. 467
Dow v. Golding, *Copyhold*	I. 301
Dowling's Case, *Fine*	V. 141
Down's Case, *id.*	141
* Down v. Down, *Devise*	VI. 183
Downes v. Savage, *Fine*	V. 109
* Downing v. Seymour, *Merger*	VI. 479
Dowman's Case, *Deed*	IV. 125
Downs v. Hopkins, *Copyhold*	I. 277, 278
Downshire v. Sandys, *Estate for Life*	129
Dowse v. Percival, *Trust*	I. 422. 426
* ——————, *Merger*	VI. 481
——— Demand. *Recovery*	V. 357
Dowtie's Case, *Estate Tail*	I. 90
* ——————, *Dignities*	III. 164
——————, *Deed*	IV. 270
Drake v. Munday, *ia.*	55
Draper v. Borlace, *Mortgage*	II. 169
Draper's Company v. Yardley, *Fine*	V. 254
Driver v. Edgar, *Recovery*	392
* —— v. Frank, *Remainder*	II. 229
* ——————, *Devise*	VI. 169
—— v. Hussey, *Estate Tail*	I. 79
—— v. Lawrence, *Fine*	V. 171
* — v. Thompson, *Devise*	VI. 43
Drummond v. St. Albans, *Offices*	III. 104
* Drury v. Drury, *Jointure*	I. 200
——— v. Kent, *Common*	III. 68
——— v. Man, *Copyhold*	I. 293
Drybutter v. Bartholomew, *Deed*	IV. 19
Dubber v. Trollope, *Devise*	VI. 281
Duberley v. Page, *Common*	III. 77
Dudley v. Dudley, *Mortgage*	II. 99
——— v. Folliott, *Deed*	IV. 378
Duff v. Dalzell, *id.*	196

Vol. Page

* Duffield v. Duffield, *Devise*. VI. 424
Dumpor's Case, *Condition* II. 7; IV. 90
Dunch v. Kent, *Trust* I. 450
Duncomb v. Duncomb, *Remainder* II. 274. 307
* ———, *Merger* VI. 469
Duncombe v. Mayer, *Estate for Life* I. 107
——— v. Wingfield, *Fine* V. 163
Dundas v. Dutens, *Deed* IV. 437
* Dunk v. Hunter, *Estate for Years* I. 243
* ———, *Deed* IV. 58
Dunn v. Green, *Alienation by Custom* V. 483
Dunnage v. White, *Deed* IV. 411
* ———, *Devise* VI. 182
Durnford v. Lane, *Deed* IV. 15
* Durston v. Sandys, *Advowson* III. 30
Dutton v. Engram, *Devise* VI. 233
Dyer v. Bullock, *Tenancy in Common* II. 411
—— v. Dyer, *Trust* I. 400
———, *Devise* VI. 163
* Dyke v. Sylvester, *Deed* IV. 211
Dymmock's Case, *id.* 103
Dymoke v. Hobart, *Advowson* III. 9

E

* Eade v Eade, *Devise* VI. 161
Eales v. Conn, *Deed* IV. 408
* ———, *Recovery* V. 407
* — v. England, *Escheat* III. 418
* ———, *Devise* VI. 162

Vol. Page

Eare v. Snowe, *Recovery* V. 366. 368, 369. 384
* Earle v. Wilson, *Devise* VI. 166
East v. Harding, *Copyhold* I. 308. 318. 320
Eastcourt v. Weeks, *id.* I. 283
Eastwood v. Vike, *Jointure* 213
———, *Descent* III. 331
Eaton v. Jaques, *Mortgage* II. 85
* — v. Lyon, *Deed* IV. 402
Ebrand v. Dancer, *Trust* I. 401
* Eccard v. Brooke, *Devise* VI. 147
Eccleston v. Clipsham, *Deed* IV. 371
Edge v. Worthington, *Mortgage* II. 69
Edlestone v. Speake, *Devise* VI. 80
Edmunds v. Povey, *Mortgage* II. 172
Edward's Case, *Recovery* V. 440
* Edwards v. Alliston, *Deed* IV. 300
——— v. Hammond, (cited 1 New Rep. 324.) *Remainder* II. 228
——— v. Lord Vernon, *Tithes* III. 61, 62
——— v. Pike, *Devise* VI. 128
——— v. Slater, *Deed* IV. 135. 236
———, *Fine* V. 228
* ——— v. Symons, *Devise* VI. 340
——— v. Warwick, *Estate Tail* I. 97
———, *Mortgage* II. 151
Effingham v. Carew, *Joint Tenancy* 374
* Egerton v. Jones, *Devise* VI. 388
* Eilbeck v. Wood, *id. Revocation* 105

Vol. Page

Eldridge v. Knott, *Rents* III. 298
Elie v. Osborn, *Remainder* II. 242
Elliot v. Elliot, *Trust* I. 402
* — v. Hele, *Jointure* 205
Ellis v. Gnavas, *Mortgage* II. 89
* — v. Smith, *Devise* VI. 50. 81
Ellison v. Airey, *Trust* I. 456
————, *Devise* VI. 357
Elme's Case, *Fine* V. 170
Else v. Osborn, *Remainder* II. 289
* Elton v. Eason, *Devise* VI. 396
* Elworthy v. Bird, *Deed* IV. 438
Ely, Dean and Chapter of, v. Warren, *Copyhold* I. 266
Elyot's Case, *Fine* V. 115
Emanuel College v. Evans, *Mortgage* II. 67
* —— v. Constable, *Devise* VI. 61
Emerson v. Inchbird, *id.* 125
Emerton v. Selby, *Common* III. 66
Emery v. Grocock, *Trust* I. 444
—— v. Wase, *Fine* V. 178, 179
Endsworth v. Griffith, *Mortgage* II. 73
England v. Codrington, *id.* 71
Englefield's Case, Deed IV. 107. 211. 240
Erish v. Rives, *Alienation by Custom* V. 450
*Errington v. Errington, *Merger* VI. 491. 494
Ersfield's Case, *Fine* V. 80
*Esdaile v. Gall, *Devise* VI. 216. 272
Estcourt v. Estcourt, *Jointure* I. 191. 200
Estwick's Case, *Tenures* 22
Estwick v. Cailland, *Deed* IV. 425
Eton College v. Beauchamp & Biggs, *Remainder* II. 322
—— (Provost of) v. Winton, (Ep.) *Private Act* V. 11, 12

Vol. Page

*Eure v. Howard, *Use* (Pre. Cha. 338.) I. 357
Eustace v. Keightley, *Jointure* 207
——— v. Scawen, *Joint Tenancy* II. 383
————————, *Deed* IV. 250
————————, *Fine* V. 212
Evans v. Astley, *Devise* VI. 243
*—— v. Bicknell, *Mortgage* II. 166
*——, Demand. *Fine* V. 103
Evelyn's (Lady) Case, *Remainder* II. 317
Evelyn v. Evelyn, *Mortgage* 139
————————, *Deed* IV. 142
——— v. Templar, *id.* 428. 430
Ever v. Aston, *Copyhold* I. 290
Everall v. Smalley, *Alienation by Custom* V. 481
Ewer v. Corbett, *Estate for Years* I. 228
—— v. Hayden, *Devise* VI. 174
—— v. Moyle, *Rents* III. 306
Exeter (Bp.) v. Hele, *Advowson* 23
Exton v. Greaves, *Mortgage* II. 71
Eyres v. Falkland, *Devise* VI. 230
Eyston v. Studde, *Recovery* V. 410
Eyton v. Eyton, *Deed* IV. 9
————————, *Fine* V. 143

F.

Fairclaim v. Shackleton, *Tenancy in Common* II. 403. 407
*————————————, *Prescription* III. 437
Fairfax v. Heron, *Devise* VI. 370
Fairfield v. Morgan, *id.* 146
Fairtitle v. Gilbert, *Deed* IV. 257
Falkland v. Lytton, *Devise* VI. 196
Fanshaw's Case, *Deed* IV. 263

Vol. Page

Fanshaw v. Rotheram, *Tithes* III. 58. 60. 62
*Fanshawe v. Brittain, *id.* 44
——— v. Moore, *id.* 55
Fareley's Case, *Copyhold* I. 288
Farmer's Case, *Fine* V. 74. 79
Farmer v. Rogers, *Deed* IV. 85
Farrant v. Lovell, *Estate for Life* I. 122
Farrer v. Billing, *Private Act* V. 5
Favel's Case, *Estate in Fee* I. 60
———, *Deed* IV. 420
Favely v. Easton, *Fine* V. 136
Fawcet v. Lowther, *Copyhold* I. 268
———, *Alienation by Custom* V. 462
——— v. Strickland, *Common* III. 78
Fawlkner v. Fawlkner, *Devise* VI. 164
Fazacharley v. Baldo, *Fine* V. 238
Fellows v. Mitchell, *Trust* I. 455
Fenny v. Durrant, *Estate by Statute Merchant* II. 48
Fenton v. Foster, *Devise* VI. 229
Fereyes v. Robertson, *Mortgage* II. 137
Ferguson v. Cornish, *Deed* IV. 60
Fermor's Case, *Remainder* II. 324
——— ——— *Fine* V. 202
Ferrors v. Fermor, *Use* I. 359. 361
——— *Merger* VI. 490
Ferres v. Ferres, *Recovery* V. 444
Finch's (Sir Moyle) Case, *Tenures* I. 34
——— *Fine* V. 135
Finch v. Finch, *Trust* I. 392
*——— v. Squire, *Mortmain* VI. 16
——— v. Throckmorton, *Deed* IV. 72

Vol. Page

Finch v. Winchelsea, *Estate by Statute, &c.* II. 49
Fines, Case of, *Fine,* V. 159. 167. 219
Firebrass v. Pennant, *Copyhold* I. 372
*Fish v. Klein, *Deed* IV. 21
*Fishe v. Campion, *Rents* III. 297
Fisher v. Forbes, *Jointure* I. 201
——— v. Smith, *Deed* IV. 101
——— v. Wigg, *id.* 293. 295, 296, 297
———, *Alienation by Custom* V. 466
Fitch v. Hockley, *Devise* VI. 36
Fitchet v. Adams, *Condition* II. 22. 32
Fitzgerald v. Fauconberge, *Deed* IV. 202. 408
——— v. Leslie, *Devise* VI. 235
Fitzgibbon v. Scanlan, *Trust* I. 397
Fitzherbert v. Heathcote, *Deed* IV. 288
Fitzhugh's Case, *Fine* V. 243
*Fitzroy v. Howard, *Devise* VI. 194
Fitzwalter Barony, Case of, *Dignities* III. 155. 189
Fitzwilliam's Case, *Deed* IV. 221
———, *Recovery* V. 378
Fladong v. Winter, *Prescription* III. 456
*Flanders v. Clark, *Devise* VI. 161
*Flarty v. Odlum, *Offices* III. 117
Fleetwood's Case, *Estate for Years* I. 234
Fleetwood v. Calenda, *Fine* V. 113
——— v. Templeman, *Deed* IV. 123
Fletcher's Case, *Devise* VI. 400
Fletcher v. Smiton, *id.* 195. 220
*——— v. Sondes (Lord) *Advowson* III. 30. 36

Vol. Page

Flower v. Baldwin, *Deed* IV. 104
Floyd v. Aldridge, *Devise* VI. 36
—— v. Buckland, *Deed* IV. 39
Floyer v. Lavington, *Mortgage* II. 74
Focus v. Salisbury, *Fine* V. 225
Foiston's Case, *Common* III. 71
Foley v. Burnell, *Deed* IV. 336
—— v. Parry, *Devise* VI. 163
Folkard v. Hemmett, *Copyhold* I. 263
——————, *Common* III. 79
*Folkes v. Western, *Deed* IV. 241
Foord v. Wilson, *id.* 383
*Foot v. Marriot, *id.* 163
*Forbes v. Ball, *Devise* VI. 163
——— (Lord) v. Deniston, *Deed* IV. 452. 457. 459
* —— v. Moffatt, *Merger* VI. 498
——— v. Ross, (2 Bro. C. C. 430.) *Trust* I. 455
Ford v. Compton, *Deed* IV. 36
—— v. Grey, *Prescription* III. 437
——————, *Deed* IV. 264
—— —— (Lord) *Fine* V. 227
—— v. Ossulston, *Devise* VI. 168
—— v. Peering, *Estate for Life* I. 107, 108
—— v. Racster, *Tithes* III. 42
Forder v. Wade, *Trust* I. 411
——————, *Descent* III. 391
Forests, Case of, *Franchise* 247
Forrester v. Cotton, *Devise* VI. 21
——— v. Leigh, *Mortgage* II. 143
Forse v. Hembling, *Devise* VI. 92
Forshall v. Coles, (7 Vin. Ab. 54.) *Estate by Statute, &c.* II. 44, 45
Forster v. Forster, *Devise* VI. 290
——— v. Hale, *Trust* I. 390
——— v. Pollington, *Fine* V. 142
Fortescue v. Abbott, *Mortgage* II. 226

Vol. Page

Forth v. Chapman, *Devise* VI. 403, 404
* — v. Duke of Norfolk, *Estate by Statute, &c.* II. 52
Foskew's Case, *Estate Tail* I. 86
Foster's Case, *Prescription* III. 440. 456
*Foster v. Banbury, *Devise* VI. 61
——— v. Cook, *Dower* I. 185, 186
——————, *Descent* III. 320
——————, *Devise* VI. 359
——— v. Mapes, *Deed* IV. 379
——— v. Pitfall, *Recovery* V. 411
——— v. Romney, *Devise* VI. 265
——— v. Spooner, *Estate Tail* I. 116
Fotherby v. Hartridge, *Prescription* III. 468
Fothergill v. Fothergill, *Jointure* I. 205
——————, *Deed* IV. 223. 228
* Fountain v. Cook, *Merger* VI. 490
Fowell v. Forrest, *Deed* IV. 96
* Fowle v. Freeman, *Deed (Letter)* IV. 36
Fowler v. Ongley, *Devise* VI. 329
* —— v. Sanders, *Prescription* III. 426
——— v. Seagrave, *Franchise* 250
Fox's Case, *Deed* IV. 98. 100. 253
*Fox v. Bishop of Chester, *Advowson* III. 25
—— v. Prickwood, *Deed* IV. 168
—— v. Swann, (Sty. 482.) *Condition* II. 8
Foxley's Case, *Franchise* III. 258
Foy v. Hynde, *Remainder* II. 233
Framlingham v. Brand, *Devise* VI. 145
Frampton v. Gerard, *Deed* IV. 109

Vol. Page

* Frank, (in re) *Merger* VI. 494
—— v. Stovin, *Devise* 239. 306
Freak v. Lee, *id.* 222
Freeman v. Barnes, *Fine* V. 226
—— — v. Duke of Chandos, *Devise* VI. 197
Freeman v. Freeman, *Condition* II. 6
——— v. West, *Deed* IV. 49. 59
Freemoult v. Dedire, *id.* 376
French v. Caddell, *Devise* VI. 388
——— v. Davies, *Dower* I. 185, 186
* Frere v. Moore, *Mortgage* II. 158
Freshwater v. Rois, *Recovery* V. 376
Frewin v. Charleton, *Remainder* II. 291. 301
Frogmorton v. Holyday, *Devise* VI. 212. 227
——— v. Wharrey, *Alienation by Custom* V. 471
Frontin v. Small, *Deed* IV. 28
Frosel v. Welsh, *Alienation by Custom* V. 454
Frost v. Wolveston, *Deed* IV. 128
Fry v. Porter, *Condition* II. 14. 17
———, *Remainder* 239
Fuller v. Fuller, *Devise* VI. 129. 132
—— v. Terry, *Copyhold* 1. 318
Furnival v. Crew, *Deed* IV. 394. 400
Furse v. Weekes, *Devise* VI. 329
Fyshe v. Broket, *Fine* V. 91

G

Gage's Case, *Fine* V. 139, 140
Gale v. Gale, *Remainder* II. 248
* ———, *Joint Tenancy* 383
———, *Devise* VI. 424
* — v. Noble, *Copyhold* I. 256
* Gall v. Esdaile, *Devise* VI. 216. 272

Vol. Page

* Galley v. Barrington, *Deed* IV. 287
* Galliers v. Moss, *Devise* VI. 204
Galton v. Hancock, *Mortgage* II. 128
———, *Devise* VI. 112
Gardiner v. Griffiths, *Advowson* III. 19, 20
——— v. Norman, *Copyhold* I. 311
——— v. Shelton, *Devise* VI. 164. 241
Gardner v. Sheldon, *id.*
* —— v. Harding, *id.* 271
Garforth v. Fearon, *Offices* III. 107
Garland v. Thomas, *Devise* VI. 340. 342
* Garrard v. Lord Lauderdale, *Deed* IV. 428
* Garraway's Case, *Merger* VI. 470
Garret v. Blizard, *Fine* V. 220
—— v. Evers, *Mortgage* II. 90
Garrett v. Lister, *Deed* IV. 31
Garth v. Baldwin, *Devise* VI. 285. 289. 312
*—— v. Blanfrey, *Deed* IV. 226
—— v. Cotton, *Estate for Life* I. 121. 124. 127
———, *Remainder* II. 260. 302
* Garthshore v. Chalie, *Jointure* I. 192
*Garthwaite v. Robinson, *Deed* IV. 207
Gartside v. Ratcliffe, *Recovery* V. 283
Gascoigne v. Barker, *Devise* VI. 205
Gateward's Case, *Common* III. 66
* Gatt v. Noble, *Copyhold* I. 256
Gawen v. Ramtes, *Devise* VI. 22
Gawler v. Wade, *Mortgage* II. 131
Gay v. Kay, *Copyhold* I. 260. 270

Vol. Page

Geary v. Bearcroft, *Estate for Life* I. 110
* ———————, *Escheat* III. 418
George v. ——— *Devise* VI. 42, 43
——— v. Milbanke, *Deed* IV. 231
Gerard v. Gerard, *Dower* I. 164
———————, *Dignities* III. 145
* Gerrarde v. Worsley, *Deed* IV. 109
Gervoye's Case, *Jointure* I. 201, 202
Gibbons v. Moulton, *Deed* IV. 143
——— v. Stephenson, *Recovery* V. 319
Gibson v. Clark, *Prescription* III. 423. 458
* ——— v. Montford, *Estate in Fee* I. 64
———————, *Devise* VI. 228
——— v. Rogers, *id.* 116. 444
Giffard v. Barber, *Reversion* II. 358, 359
Gilbert v. Emerton, *Prescription* III. 468
——— v. Witty, *Devise* VI. 345
Giles v. Hooper, *Deed* IV. 369
* — v. Wiscot, *Joint Tenancy* II. 378
———————, *Merger* VI. 480
*Gill, Mary, (ex parte) *Contingent Estate* App. VII. 14
Gill v. Yeates, *Fine* V. 140
Gilmore v. Harris, *Deed* IV. 198
Ginger v. White, *Devise* VI. 291
*Girdlestone v. Doe, *id.* 148
Girling v. Lee, *Mortgage* II. 104
*Gladstane v. Ripley, *Jointure* I. 194
Glascock's Case, *Copyhold* 282
Gleg v. Gleg, *Jointure* 207
Glenorchy v. Bosville, *Devise* VI. 297. 308, 309. 311. 315
Glover v. Archer, *Rents* III. 282

Vol. Page.

Glover v. Lane, *Common* III. 79
——— v. Spendlove, *Devise* VI. 197
Glynn v. Thorpe, *Estate by Statute Merchant* II. 42
Goburn v. Wright, *Fine* V. 109
Godbold v. Freestone, *Descent* III. 341
* ———————, *Recovery* V. 401
* ———————, *Merger* VI. 470
Godbold's Case, *Offices* III. 110
Goddard's Case, *Deed* IV. 28
*Goddard, *ex parte* (1 Myl. & Keen 25) *id.* 18
——— v. Complin, *Recovery* V. 397
Godfrey's Case, *Fine* 158
Godfrey v. Bullock, *Descent* III. 390
——— v. Wade, *Fine* V. 162
——— v. Watson, *Estate by Statute, &c.* II. 61
*———————, *Mortgage* 149
Godolphin v. Penneck, *Devise* VI. 358
——— v. Tudor, *Offices* III. 107. 110
Godwin v. Kilsha, *Devise* VI. 69
——— v. Winsmore, *Trust* I. 410. 411
Godwyn v. Godwyn, *Devise* VI. 204
*Golding v. Rogers, *id.* 173
Gooch's Case, *Deed* IV. 425
Goodall's Case, *Mortgage* II. 65
Goodill v. Brigham, *Deed* IV. 134, 135
*———————, *Merger* VI. 490
Goodman v. Goodright, *Devise* 383
Goodrick v. Brown, *Fine* V. 256
Goodrick v. Shotbolt, *Fine* V. 175

Vol. Page
• Goodridge v. Goodridge, *Devise* VI. 238. 241
Goodright v. Allin, *id.* 226
——— v. Barron, *id.* 208, 209. 213. 271
——— v. Billington, *Recovery* V. 394
——— v. Board & Jones, *Fine* 229
——— v. Cator, *Deed* IV. 221
——— v. Cornish, *Remainder* II. 241
——— v. David, *Deed* IV. 72
——— v. Downshire, *Devise* VI. 198
——— v. Dunham, *Remainder,* II. 218
———————, *Recovery* V. 394
———————, *Devise* VI. 291
——— v. Forrester, *Reversion* II. 337
———————, *Fine* V. 192. 197. 215
———————, *Devise* VI. 30
——— v. Glazier, *id.* 121
——— dem. Goodridge v. Goodridge, *id.* 238, 241
——— v. Harwood, *id.* 75
• ——— v. Hoskins, *id.* 165
——— v. Mead & Shilson, *Recovery* V. 397
——— v. Moses, *Deed* IV. 428. 433.
•Goodright v. Noright, *Estate on Condition* II. 31
——— v. Pears, *Alienation by Custom* V. 465
• ———, *Devise* VI. 175
——— v. Pullyn, *id.* 281. 296

Vol. Page
Goodright v. Richardson, *Deed* IV. 60
——— v. Rigby, *Recovery* V. 279. 333
——— v. Sales, *Trust* I. 421. 423
——— v. Saul, *Bastardy* III. 230
———, *Descent* 320
——— v. Searle, *id.* 380
———, *Devise* VI. 426
•———, *Merger* 485
——— v. Stocker, *Devise* 226
——— v. Straphan, *Deed* IV. 19
•——— v. Swymmer, *Trust* I. 416
——— v. Wells, *id.* 413
———, *Descent* III. 339
• ———, *Merger* VI. 496
——— v. White, *Devise* 167
——— v. Wright, *id.* 129
Goodtitle v. Bailey, *Deed* IV. 52. 250
——— v. Billington, *Remainder* II. 237
——— v. Burtenshaw, *Deed* IV. 263
——— ex dem. Bridges v. Chandos (D. of) *Recovery* V. 284
•——— v. M. of Downshire *Devise* VI. 181
——— v. Funucan, *Deed* IV. 161. 163. 169. 177
——— v. Herring, *Devise* VI. 291.
•——— v. Holdfast, *Estate on Condition* II. 31
——— v. Jones, *Trust* I. 443
——— v. Maddern, *Devise* VI. 224

Vol. Page

Goodtitle v. Meredith, *Devise* VI. 117. 119
——— v. Miles, *id.* 182. 200
——— v. Morgan, *Mortgage* II. 163. 184
——— v. Morse, *Alienation by Custom* V. 452
——— v. Newman, *Estate in Fee* I. 50
———, *Descent* III. 330. 345
* ——— v. Notitle, *Mortgage* II. 199
——— v. Otway, *Devise* VI. 101. 103. 106. 209
——— v. Pegden, *id.* 405
——— v. Petto, *Deed* IV. 109
——— v. Stokes, *id.* 297
——— v. Way, *id.* 56
——— v. Whitby, *Remainder* II. 227, 228
——— v. White, *Descent* III. 337. 380
———, *Devise* VI. 427
* ———, *Merger* 485. 496
——— v. Wodhull, *Devise* 291
——— v. Wood, *id.* 367
Goodwin v. Clarke, *Recovery* V. 391
——— v. Goodwin, *Deed* IV. 24
*Goodwyn v. Lister, *id.* 17
*Gordon v. Gordon, *Devise* VI. 166
——— v. Graham, *Mortgage* II. 157
* ——— v. the King's Advocate, *Dignities* III. 157
——— v. Lord Reay, *Devise* VI. 117
*Gore v. Gore, *id.* 380. 410. 423. 429
* ——— v. Perdue, *Dower* I. 168
Gorges v. Stanfield, *Estate for Life* 105

Vol. Page

Gorton's Case, *Deed* IV. 9. 131
Gosage v. Taylor, *id.* 309
Gosling v. Warburton, *Dower* I. 181. 186
* Gott v. Atkinson, *Estate in Fee* 58
* ———, *Devise* VI. 359
Gower v. Grosvenor, *Deed* IV. 336
Grafton v. Horton, *Copyhold* I. 303
Grandison v. Pitt, *Jointure* 220
Grant's Case, *Fine* V. 160
Grant v. Astle, *Copyhold* I. 302
——— v. Gunner, *Common* III. 77. 79
Grantham v. Copley, *Alienation by Custom* V. 476
Gravenor v. Hallum, *Trust* I. 395
——— v. Tedd, *Copyhold* 276
Gray v. Briscoe, *Deed* IV. 377
——— v. Mathias, *id.* 418
Grayme v. Grayme, *Alienation by Custom* V. 485
* ———, *Merger* VI. 483
Grayson v. Atkinson, *Devise* 49. 220
Greatorex v. Carey, *Dower* I. 185, 186
Gree v. Rolle, *Prescription* III. 451
Green's Case, *King's Grant* V. 57
Green v. Armsteed, *Devise* VI. 208
* ——— v. Bridges, *Condition* II. 31
* ———, *Deed* IV. 73
——— v. Harvey, *Dower* I. 176
——— v. Hayman, *Devise* VI. 149
——— v. Horne, *Deed* IV. 368
——— v. King, *Joint Tenancy* II. 374
——— v. Proude, *Recovery* V. 283
———, *Devise* VI. 7
* ——— v. Stephens, *id.* 343. 345. 351
* Greenaway v. Adams, *Estate on Condition* II. 8

Vol. Page

* Greene v. Greene, *Mortgage* II. 137
Greenhill v. Greenhill, *Devise* VI. 23
* Greenough, Demand. *Fine* V. 146
* Greenwood v. Ep. London, *Advowson* III. 28
Gregory and Croucher, *Fine* V. 75
Grene v. Austin, *Tithes* III. 46
Greneley's Case, *Recovery* V. 413
Greswold v. Marsham, *Mortgage* II. 104
* Gretton v. Haward, *Devise* VI. 283
* Greville v. Atkins, *Offices* III. 111
Grey's Case, *Descent* 324
Grey v. Edwards, *Deed* IV. 98
—— v. Grey, *Trust* I. 398
—— v. Mannock, (2 Eden. 339) *Estate for Life* 103
—— of Ruthyn Barony, Case of, *Dignities* III. 153. 155. 189
Grieves v. Case, *Deed* IV. 22
Griffin's Case, *Dignities* III. 194. 201
* Griffin v. Tailor, *Fine* V. 179
Griffith's (Sarah) Case, *id.* 128
Griffith's v. Vere, *Devise* VI. 457. 460. 464
* Grimmett v. Grimmett, *Mortmain* 16
Grimston v. Bruce, *Condition* II. 30
Grove v. Grove, *Mortgage* 171
—— v. Hook, *Jointure* I. 210
* Groves v. Groves, *Deed* IV. 410
Grymes v. Peacock, *Common* III. 84
Guavara's Case, *Curtesy* I. 142
* Guffley v. Pindar, *Estate for Life* 117
Gulliford v. De Cardonell, *Offices* III. 110
Gulliver v. Ashby, *Remainder* II. 239
* ——————, *Deed* IV. 349

Vol. Page

Gulliver v. Ashby, *Recovery* V. 392
* ——————, *Devise* VI. 369
—— v. Wickett, *id.* 368. 414. 423. 452. 454. 458
Gully v. Selby, *Advowson* III. 19
Gunning v. Gunning, *Estate for Life* I. 118
Gurnel v. Wood, *Devise* VI. 426. 449
Guy v. Dormer, *Deed* IV. 196. 198
Gwynne v. Heaton, *id.* 411
——————, *Devise* VI. 437
Gynes v. Kemsley, *id.* 165

H.

Habergham v. Vincent, *Trust* I. 395
* ——————, *Deed* IV. 196
——————, *Devise* VI. 7. 57. 63. 65. 67. 384
Haddon v. Arrowsmith, *Deed* IV. 68
Hadesden v. Gryssell, *Common* III. 75
* Haggerston v. Hanbury, *Deed* IV. 251
* ——————, *Recovery* V. 309
Haines v. Haines, *Devise* VI. 84
Hales v. Risley, *Remainder* II. 282. 306
* Haley v. Bannister, *Devise* VI. 463
Halifax v. Higgens, *Mortgage* II. 151
* —— v. Wilson, *Devise* VI. 340
Hall, ex parte, *Dower* I. 155
—— v. Arrowsmith, (Poph. 105.) *Copyhold* 309
* —— v. Doe, *Mortgage* II. 121
* ——————, *Fine* V. 255
—— v. Dunch, *Mortgage* II. 101

	Vol.	Page
Hall v. Dunch, *Devise*	VI.	110
—— v. Hardy, *Fine*	V.	177. 179
* — v. Luckup, *Devise*	VI.	169
—— v. Potter, *Deed*	IV.	411
—— v. Seabright, *id.*		54
* — v. Surtees, *Tenant at Sufferance*	I.	243
* ——————, *Mortgage*	II.	80
—— v. Woodcock, *Recovery*	V.	426
Halliley v. Kirtland, (2 Ch. R. 162.) *Mortgage*	II.	107
Halton v. Hassell, *Copyhold*	I.	302
——— v. E. of Thanet, *Joint Tenancy*	II.	388
——————————, *Tenancy in Common*		411
Hamell v. Hunt, *Deed*	IV.	292
Hamerton v. Clayton, *id.*		295
——— v. Rogers, *Mortgage*	II.	111
Hamilton v. Mohun, *Dower*	I.	172
——— v. Mordaunt, *Deed*	IV.	172
Hammington v. Rudyard, *Devise*	VI.	395
* ——————, *Merger*		485
Hammond v. Hill, *Deed*	IV.	380
——— v. Wennibank, (3 Buls. 268.) *Copyhold*	I.	311
Hampton v. Spencer, *Trust*		391
* Hannaford and Wife, *Fine*	V.	81
Hanbury v. Cockerell, *Devise*	VI.	367
Hands v. James, *id.*		54, 55
Hanington v. Du Chatel, *Offices*	III.	112
Hanmer v. Eyton, *Fine*	V.	183
Hannam v. Woodford, *Estate by Statute, &c.*	II.	55
Hansard v. Hardy, *Mortgage*		195
Harbert's Case, *id.*		42. 47
Harcourt v. Fox, *Offices*	III.	99
Harcourt v. Pole, *Rents*	III.	280
Hard v. Wadham, *Condition*	II.	30
Hardacre v. Nash, *Devise*	VI.	176
Harding v. Gardner, *id.*		214
——— v. Glyn, *Deed*	IV.	232
* ——————, *Devise*	VI.	162
——— v. Nelthorpe, *Deed*	IV.	392
——— v. Suffolk, *id.*		255
Hardwin v. Warner, *id.*		241
Hardy v. Reeves, *Mortgage*	II.	86
—— v. Seyer, *Remainder*		235
Hare (Goodright *ex dem.*) v. Board and Jones, *Fine*	V.	229
* — v. Groves, *Rents*	III.	300
Harkness v. Bayley, *Devise*	VI.	110
Harland v. Trigg, *id.*		161
Harley v. West, *Recovery*	V.	412
* Harmood v. Oglander, *Prescription*	III.	463. 465
*——————————, *Devise*	VI.	106
Harneis v. Mickletwaite, *Fine*	V.	75
* Harper v. Faulder, *Estate for Life*	I.	108
* ——————, *Mortgage*	II.	166
* Harrington v. Kloprogge, *Offices*	III.	111
* ——— v. Price, *Estate Tail*	I.	75
* ——————, *Deed*	IV.	117
——— v. Smith, *Alienation by Custom*	V.	451
——— v. Wise, *Rents*	III.	281
——————— *Deed*	IV.	55
Harris v. Barnes, *Devise*	VI.	423
—— v. Cutler, *id.*		37
* —— v. Evans, (O. Bridg. 547.) *Use*	I.	378
—— v. Ingledew, *Devise*	VI.	355

Vol. Page

Harris v. Jays, *Copyhold* I. 263. 271
—— v. Lincoln, (Ep.) *Devise* VI. 153
* —— v. Pugh, *Use* I. 413
Harrison, ex parte, *Remainder* II. 330
* ————, *Merger* VI. 472
Harrison's Case, *Franchise* III. 251
Harrison v. Austin, *Deed* IV. 106
——— v. Belsey, *Remainder* II. 272
——— v. Evans, *Offices* III. 109
* —— v. Harrison, *Mortmain* VI. 16
————, *Devise* 51. 435. 444
——— v. Owen, *Mortgage* II. 91
Hart's Case, *Fine* V. 240
Hart v. Middlehurst, *Deed* IV. 323
Harton v. Harton, *Trust* I. 385
Hartop's Case, *Use* 369. 378
* —— v. Lord Carbery, *Devise* VI. 369
Hartpole v. Walsh, *Mortgage* II. 119
Hartwell v. Chitters, *id.* 103
——— v. Hartwell, *Offices* III. 113
Harvey v. Ashley, *Deed* IV. 15
——— v. Aston, *Condition* II. 15
——— v. Montague, *Reversion* 346
Harwell v. Lucas, *Remainder* 265
* Harwood v. Goodright, *Devise* VI. 122
* Hasker v. Sutton, *Remainder* II. 270
* ————, *Merger* VI. 472. 489
Hasket v. Strong, *Mortgage* II. 172
Hastead v. Searle, *Devise* VI. 183
Hatcher v. Curtis, *Deed* IV. 138
Hatfield v. Thorpe, *Devise* VI. 61
Hatton's Case, (Sir C.) *Deed* IV. 109
Hatton v. Gray *id.* 34
——— v. Nichol, *Devise* VI. 355

Vol. Page

Haverington's Case, *Deed* IV. 128
————, *Fine* V. 175
Havergill v. Hare, *Rents* III. 287
Hawe v. Burton, *Devise* VI. 14
Hawes v. Hawes, *id.* 138. 331. 340
—— v. Swain, *Tithes* III. 50
—— v. Wyatt, *Devise* VI. 104
Hawkins v. Hawkins, *Deed* VI. 169
—— v. Holmes, *id.* IV. 34
—— v. Kelley, *Rents* III. 308, 309
——— v. Kemp, *Deed* IV. 191. 233. 405
* —— v. Shewen, *Descent* III. 334
——— v. Taylor, *Mortgage* II. 188
Hawks v. Mollineux, *Common* III. 69
* Haworth v. Herbert, *Dower* I. 176
Hay v. Coventry, *Deed* IV. 350
————, *Devise* VI. 264
* Hayes v. Foorde, *Remainder* II. 246
———— *Devise* VI. 136. 279
Haymer v. Haymer, *Jointure* I. 203
Haynsworth v. Pretty, *Devise* VI. 125
Hayter v. Rod, *Estate for Years* I. 235
——— ———, *Trust* 423
————, *Deed* IV. 328
Hayward v. Angell, *Condition* II. 30
Head v. Egerton, *Mortgage* 167
—— v. Head, *Descent* III. 320
Heams v. Bance, *Mortgage* II. 110
Hearle v. Greenbank, *Trust* I. 408, 409
————, *Deed* IV. 140. 144
———— ————, *Devise* VI. 17. 20. 257
Heath v. Heath, *Deed* IV. 349
————, *Devise* VI. 367
——— v. Wilmot, (Sir J. E.) *Fine* V. 146

	Vol.	Page
Heathcock v. Hanbury, *Fine*	V.	113
*Heathcote v. Mainwaring, *Tithes*	III.	51
Hebblethwaite v. Cartwright, *Deed*	IV.	280
Heddy v. Wheelhouse, *Franchise*	III.	265
Hedges v. Everard, *Jointure*	I.	207
Heigate v. Williams, *Ways*	III.	90
*Hegan v. Johnson, *Estate for Life*	I.	243
Hele v. Bond, *Deed*	IV.	138
Heliot v. Sanders, *Fine*	V.	164
Hellier, ex parte, *Devise*	VI.	121
Helps v. Hereford, *Fine*	V.	213
Helmsley v. Price, *id.*		121
*Heneage v. Lord Andover, *Devise*	VI.	161
Henfree v. Bromley, *Deed*	IV.	407
Henn's Case, *Ways*	III.	88
Henn v. Hansen, *Deed*	IV.	245
Henningham v. Windham, *Recovery*	V.	425
Hennings v. Brabason, *Estate for Years*	I.	226
Henvell v. Whitaker, *Devise*	VI.	356
Henzell v. Lodge, *Recovery*	V.	356
* Hepworth v. Taylor, *Devise*	VI.	148
Herbert's (Sir W.) Case, *Mortgage*	II.	131, 132. 134
Herbert v. Binion, *Fine*	V.	238
———————, *Recovery*		373
——— v. Fream, *Estate Tail*	I.	84
Herlakenden's Case, *Estate Tail after possibility, &c.*		136
Heron v. Treyne, *Deed*	IV.	381
Herring v. Browne, *id.*		200
———————, *Fine*	V.	185
Hertford v. Leech, *Tithes*	III.	52
* Hervey ex parte, *Copyhold*	I.	293
* ——— v. Hervey, *Deed*	IV.	156
Hesketh v. Gray, *Advowson*	III.	33
Heskett v. Lee, *Recovery*	V.	350
* Hetherington v. Graham, *Dower*	I.	175
Hett v. Mudds, *Tithes*	III.	54
Hewit v. Hewit, *Estate for Life*	I.	130
Hewitt v. Adams, *Tithes*	III.	44
Heydon v. Smith, *Estate for Life*	I.	116
———————, *Copyhold*		280, 281
* ———————, *Merger*	VI.	475
Heylyn v. Heylyn, *Devise*		37. 122
Heyward's Case, *Deed*	IV.	251. 253
Hicks v. Hicks, *Estate for Life*	I.	107
—— v. Mors, *Devise*	VI.	96
Hickson v. Witham, *id.*		7
Hide v. Newport, *Copyhold*	I.	326
Higginbottom's Case, *Deed*	IV.	381
Higgins v. Dowler, *Devise*	VI.	415
Higgon v. Syddal, *Mortgage*	II.	171
Higham v. Baker, *Devise*	VI.	173
Highway v. Banner, *Deed*	IV.	318. 333
———————, *Alienation by Custom*	V.	468
Hilchins v. Hilchins, *Dower*	I.	164
Hill's Case, *Rents*	III.	277
Hill v. Adams, *Trust*	I.	430
*— v. Barclay, *Estate on Condition*	II.	31
— v. Carr, *Estate Tail*	I.	84
— v. Grange, *Condition*	II.	35
*— v. Hill, *Deed*	IV.	259
— v. Ep. London, *Trust*	I.	395
— v. Upchurche, *Alienation by Custom*	V.	480
Hillary v. Waller, *Trust*	I.	415

Vol. Page

Hilliard v. Stapleton, *Advowson* III. 30
Hilton v. King, *Devise* VI. 82
Hindson (Doe Ex dem.) v. Kersey, *id.* 61
Hine v. Dodd, *Deed* IV. 458, 459
Hinton v. Hinton, *Copyhold* I. 288
* Hiscocks v. Wilmot, *Tithes* III. 47
Hitchcock v. Sedgwick, *Mortgage* II. 195
Hitchens v. Hitchens, *Dower* I. 179 184. 186
Hitchins v. Basset, *Devise* VI. 75. 77
Hobart v. Hammond, *Copyhold* I. 301
* —— v. Ld. Stamford, *Devise* VI. 142
* Hobson v. Blackburn, *id.* 194
Hoby's Case, *Descent* III. 325
Hoby v. Hoby, *Dower* I. 171
Hockley v. Mawbey, *Devise* VI. 257
Hodges v. Drakeford, *Deed* IV. 89
* —— v. Green, *Devise* VI. 96. 103
——— v. Templer, *Estate by Statute* II. 43, 44
Hodgeson v. Bussey, *Deed* IV. 328
* Hodgkins v. Robson, *Rents* III. 297
Hodgkinson v. Star, *Devise* VI. 158
Hodgkinsonne v. Whood, *id.* 109
Hodgson v. Ambrose, *id.* 130. 132. 137. 278
Hodle v. Healey, (1 V. & B. 536) *Mortgage* II. 118
Hodsden v. Lloyd, *Devise* VI. 92
Hodson v. Sharpe, *Deed* IV. 461
——— v. Wallis, *Reversion* II. 343
Hoe v. Gerils, *Devise* VI. 367

Vol. Page

Hoe v. Taylor, *Copyhold* I. 264
* Hogan v. Jackson, *Devise* VI. 179. 220
Holbeach v. Sambeach, *Fine* V. 213
Holbrook v. Sharpey, *Deed* IV. 461
Holcroft's Case, *Remainder* II. 226
————, *Deed* IV. 427
Holcroft v. Heel, *Franchise* III. 264
Holder v. Preston, *Copyhold* I. 296
————, *Alienation by Custom* V. 452
——— v. Taylor, *Deed* IV. 368
Holdernesse v. Carmarthen, *Estate Tail* I. 73
* ——— ——— ———, *Rents* III. 292
Holdfast v. Clapham, *Alienation by Custom* V. 461
——— v. Dowsing, *Devise* VI. 61
——— v. Marten, *id.* 215
Holford v. Hatch, *Deed* IV. 374
Holland's Case, *Private Act* V. 2
Holland v. Bonis, *Deed* IV. 99
——— v. Dauntzey, *Recovery* V. 323. 427
——— v. Fisher, *King's Grant* 61
Hollet v. Sanders, *Recovery* 379
Hollingshead v. Hollingshead, *Deed* IV. 16
Hollinshead v. Walton, *Common* III. 66
Hollis v. Carr, *Deed* IV. 368
* Holman, *ex parte*, *Trust* I. 444
Holman v. Exton, *Estate for Life* 102
Holmes v. Buckley, *Deed* IV. 372, 373
——— v. Coghill, *id.* 231
————, *Devise* VI. 120
——— v. Meynel, *id.* 343
—— v. Sellers, *Deed* IV. 51

	Vol. Page
Holroyd v. Breare, *Tenures*	I. 33
Holt v. Burleigh, *Deed*	IV. 136
—— v. Holt, *id.*	156. 225
—— v. Lowe, *Fine*	V. 256
—— v. Mill, *Mortgage*	II. 172
* —— v. Sambach, *Merger*	VI. 474
* —— v. Bp. of Winchester, *Advowson*	III. 14
* Holtpzaffell v. Baker, *Rents*	300
Hone v. Medcraft, *Devise*	VI. 112
Honeycomb v. Waldron, *Deed*	IV. 449
Honor v. Honor, *id.*	317. 324
Hooker v. Hooker, *Dower*	I. 163
——————, *Remainder*	II. 274
* ——————, *Merger*	VI. 473. 484
* Hooper, Ex parte, *Mortgage*	II. 69. 174
* —— v. Goodwin, *Devise*	VI. 64. 67
* —— v. Ramsbottom, *Deed*	IV. 30
Hope d. Brown v. Taylor, *Devise*	VI. 177. 243
Hopewell v. Ackland, *id.*	220
Hopkins v. Hopkins, *Trust*	I. 382
——————, *Remainder*	II. 247
* ——————, *Prescription*	III. 461. 464
——————, *Devise*	VI. 419. 422, 423. 443
* —— v. Myall, *Power*	IV. 193
Hopton v. Johns, *Recovery*	V. 348
Hore v. Dix, *Deed*	IV. 110
Horne v. Barton, *Devise*	VI. 343. 364
* Horner v. Swann, *Deed*	IV. 237
* Horridge v. Ferguson, *Devise*	VI. 147
* Horsfall, in re, *id.*	204
Horton v. Whittaker, *Remainder*	II. 222
* Horwood v West, *Devise*	VI. 162
Hoskins v. Featherstone, *Estate for Life*	I. 132
—— v. Robins, *Common*	III. 74
* Hougham v. Sandys, *Power of Sale*	IV. 198
* Houghton v. Tate, *Deed*	125
Hovenden v. Annesley, *Prescription*	III. 459. 465
How v. Whitfield, *Deed*	IV. 212
Howard of Walden Barony, Case of. *Dignities*	III. 194. 201
Howard's Case, *Offices*	116
Howard v. Bartlet, *Copyhold*	I. 285
* —— v. Ducane, *Power of Sale*	IV. 179
—— v. Harris, *Mortgage*	II. 70. 105
—— v. Hooker, *Deed*	IV. 413
* —— v. Duke of Norfolk, *Estate for Years*	I. 235
—— v. Wood, *Offices*	III. 100
Howe v. Howe, *Trust*	I. 398
Howel v. Howel, *Deed*	IV. 320
* Howell v. George, *Fine*	V. 179
—— v. King, *Ways*	III. 88
—— v. Price, *Mortgage*	II. 118 124
—— v. Richards, *Deed*	IV. 383
Howes v. Brushfield, *id.*	387
Howlet v. Carpenter, *Fine*	V. 224
Howton v. Frearson, *Ways*	III. 87
Hudson's Case, *Deed*	IV. 409
Hudson v. Benson, *Recovery*	V. 363. 372
* —— v. Revett, *Deed*	IV. 25. 408
Huggins v. Bambridge, *Offices*	III. 110
Hughes v. Clubb, *Recovery*	V. 411

Vol. Page
*Hughes v. Dillon, *Devise* VI. 359
*——— v. Doulben, *Estate in Fee* I. 58
——— v. Games, (Select Ca. Tem. King. 62.) *Copyhold* 263
——— v. Robotham, *Deed* IV. 87
* ———————, *Merger* VI. 476
Huguenin v. Baseley, *Deed* IV. 411
Hull v. Shardbrook, *Alienation by Custom* V. 491
Hulm v. Heylock, *Fine* 121. 179
Hulme v. Heygate, *Devise* VI. 119
Humberstone v. Humberstone, *id.* 151. 442. 449
Hume v. Burton, *Recovery* V. 290. 428. 443
Hummerston's Case, *Use* I. 358. 375
* Humphreys v. Wagstaff, *Tithes* III. 64
Hungate's Case, *Fine* V. 88. 128. 250. 252
Hungerford v. Clay, *Mortgage* II. 86
* Hunsdon, Barony of, *Dignities* III. 219
Hunt v. Bourne, *Prescription* 447
————————, *Fine* V. 104
——— v. Burn, *id.* 217
————————, *Recovery* 300
——— v. Coles, *Trust* I. 413
——————— *Estate by Statute, &c.* II. 53
——— v. Hunt, *Condition* 32
——— v. King, *Fine* V. 159. 166
* Huntingdon, Earldom of, *Dignities* III. 237
——————— v. Greenville, *Estate by Statute, &c.* II. 63
——————— v. Huntingdon, *Trust* I. 420
Vol. Page
Huntingdon v. Huntingdon, *Mortgage* II. 143
* Huntley's Case, *Devise* VI. 330
Hurd v. Fletcher, *Deed* IV. 387
Hurst v. Winchelsea, *Devise* VI. 124
Hussey's Case, *Deed* IV. 119
————————, *Devise* VI. 96
* ————————, *Merger* 482
* Hussey v. Grills, *Copyhold* I. 258
——————— ———————, *Devise* VI. 69
Hutchins v. Lee, *Trust* I. 403
Hutchinson's Case, *Advowson* III. 24
————————, *Fine* V. 128. 242
Hutton v. Simpson, *Devise* VI. 129
Huxstep v. Brooman, *id.* 176
Huyt v. Cogan, *Estate by Statute, &c.* II. 48
Hyde v. Hyde, *Devise* VI. 64. 79, 80. 83
—— v. Skinner, *Deed* IV. 396. 398

I.

Ibbetson v. Beckwith, *Devise* VI. 212. 215. 226
Ibbotson v. Rhodes, *Mortgage* II. 169
Idle v. Cook, *Deed* IV. 282
————————, *Alienation by Custom* V. 466
Iggulden v. May, *Deed* IV. 398, 401
Ilchester (Lord), ex parte, *Devise* VI. 90. 95
Ilderton v. Ilderton, *Dower* I. 155
Inchley v. Robinson, *Devise* VI. 185
Incledon v. Northcote, *Dower* I. 180
————————————, *Recovery* V. 383
* Ingleby v. Swift, *Deed* IV. 94

	Vol. Page
Ingram's Case, *Offices*	III. 110
Ingram v. Gibson, *Mortgage*	II. 159
——— v. Ingram, *Deed*	IV. 211
Innes v. Jackson, *Mortgage*	II. 148
———————, *Fine*	V. 176
Ireland v. Rittle, *Joint Tenancy*	II. 390
Ireson v. Denn, *Mortgage*	112
Iseham v. Morrice, *Deed*	IV. 256
——— ——— —, *Fine*	V. 182
Ives v. Legge, *Remainder*	II. 218
* Ivie v. Ivie, *Estate for Life*	I. 108
Ivy v. Gilbert, *Deed*	IV. 137

J.

Jackman v. Hoddesdon, *Copyhold*	I. 308
* Jackson, Demand. *Fine*	V. 119 147
———————, *Recovery*	350
Jackson v. Cator, *Estate for Life*	I. 116
——— v. Hurlock, *Devise*	VI. 91
* ——— v. Innes, *Mortgage*	II. 148
———————, *Fine*	V. 176
——— v. Jackson, *Jointure*	I. 205
*———————, *Deed*	IV. 48. 412
James, ex parte, *id.*	412
——— v. Dean, *Trust*	I. 397
——— ———, *Devise*	VI. 113
Jason v. Eyres, (2 Cha. Ca. 33.) *Mortgage*	II. 69
*Jeanesv. Wilkins, *Estate by Statute, &c.*	52
Jebb v. Abbot, *Trust*	I. 452
* Jefferies's (Lord) Case, *Fine*	V. 140
Jefferson, v. Ep. Durham, *Estate for Life*	I. 131
Jeffery v. Honywood, *Devise*	VI. 273
Jeffery at Hay's Case, *Prescription*	III. 423
Jemmott v. Cooley, *Rents*	286
Jenison v. Lexington, *id.*	279
Jenkins v. Church, *Deed*	IV. 70
* ——— v. Jenkins, *Devise*	VI. 227
——— v. Kemis, *Deed*	IV. 235
* ——— v. Kemishe, *id.*	442, 443
——— v. Keymes, *Estate Tail*	I. 84
——— v. Keymis, *Deed*	IV. 432
——— v. Pritchard, *Descent*	III. 379
——— v. Young, *Use*	I. 354
Jenkinson v. Staples, *Recovery*	V. 356
Jenner v. Morgan, *Rents*	III. 306
——— v. Tracy, *Mortgage*	II. 115
Jennings's Case, *Recovery*	V. 308. 352. 365
Jennings v. Chauntery, *Fine*	99
——— v. Moore, *Deed*	IV. 455
———————, *Alienation by Custom*	V. 474
——— v. Vernon, *Recovery*	314
——— v. Ward, *Mortgage*	II. 71
Jenour v. Jenour, *Devise*	VI. 340
Jerman v. Orchard, *Deed*	IV. 264
Jermin v. Arscott, *Condition*	II. 4
———————, *Remainder*	232
Jerrard v. Saunders, *Trust*	I. 426
Jersey v. Deane, *Fine*	V. 184. 186, 187
Jervis v. Bruton, *Estate Tail*	I. 75
———————, *Condition*	II. 6
—— v. Tayleur, *Estate Tail*	I. 89
Jervoise v. Duke of Northumberland, *Devise*	VI. 156. 288
Jesser v. Gifford, *Reversion*	II. 337

	Vol. Page
Jesson v. Wright, *Devise*	VI. 306
Jesus College v. Bloom, *Estate for Years*	I. 231
———, *Remainder*	II. 316
Jew v. Thirkwell, *Rents*	III. 305
*Jezeph v. Ingram, *Deed*	IV. 442
Jobson's Case, *Devise*	VI. 171
Johns v. Lawrance, *Advowson*	III. 30
Johnson, ex parte, *Recovery*	V. 351
* —— v. Baker, *Deed*	IV. 29
—— v. Bellamy, *Fine*	V. 161
—— v. Cotton, *Deed*	IV. 129
—— v. Earl of Derby, *Recovery*	V. 418
—— v. Johnson, *Deed*	IV. 390
*———, *Devise*	VI. 51. 110
—— v. Kerman, *id.*	213
—— v. Legard, *Deed*	IV. 431. 443
—— v. Nott, *id.*	392
—— v. Wilson, *id.*	371
*Johnston v. Swann, *Mortmain*	VI. 16
Jolland v. Stainbridge, *Deed*	IV. 459
Jon v. Bull, *Fine*	V. 213
Jones v. Bew, *Offices*	III. 98
—— v. Cave, *Recovery*	V. 443
—— v. Clark, *Deed*	IV. 61
—— v. Clerk, *Offices*	III. 99
—— v. Clough, *Deed*	IV. 196
—— v. Collier, *Dower*	I. 185, 186
—— v. Hill, *Estate for Life*	132
* — v. Jones, *Rents*	III. 285
—— v. Lake, *Devise*	VI. 56
—— v. Langhton, *Deed*	IV. 316
—— v. Marsh, *id.*	437
—— v. Morgan, *Estate Tail*	I. 75
*———, *Trust*	420
Jones v. Morgan, *Devise*	VI. 288. 327. 385. 391
*———, *Merger*	498
—— v. Morley, *Deed*	IV. 121
—— v. Newman, *Devise*	VI. 155
—— v. Perry, *id.*	29
* — v. Randall, *id.*	341
—— v. Smith, *Mortgage*	II. 112
—— v. Turberville, *Prescription*	III. 469
—— v. Wait, *Recovery*	V. 341
—— v. Westcomb, *Devise*	VI. 413
Jordan v. Attwood, *Ways*	III. 90
*—— v. Holkham, *Estate on Condition*	II. 22
——— v. Savage, *Jointure*	I. 190. 194. 199
Jory v. Cox, *Mortgage*	II. 151
Jourdain v. Wilson, *Deed*	IV. 373
Jourden v. Deany, *Recovery*	V. 324
* Joy v. Joy, *Estate for Life*	I. 108
* Judd v. Pratt, *Devise*	VI. 205

K.

Keckwich's Case, *Fine*	V. 128
Keeble v. Hickeringall, *Franchise*	III. 257
Keech v. Hall, *Estate at Will*	I. 243
———, *Mortgage*	II. 82
—— v. Sandford, *Trust*	I. 396
*Keeling v. Brown, *Devise*	VI. 356
Keen v. E. of Effingham, *Recovery*	V. 286
—— v. Kirby, *Alienation by Charter*	478
Keene v. Deardon, *Trust*	I. 387. 415
——— ——— *Prescription*	III. 437

Vol. Page

Keene v. Dickson, *Remainder* II. 220
Kelley v. Bellew, *Mortgage* 152
Kellow v. Rowden, *Reversion* 339. 341. 353. 355
———, *Descent* III. 379, 380
Kemp v. Carter, *Copyhold* I. 262. 277
* — v. Kemp, *Deed* IV. 207. 211
Kenderley, Demand. *Recovery* V. 359
Kenebel v. Scrafton, *Devise* VI. 37. 92
*Kennell v. Abbott, *id.* 82
Kenrick v. Beauclerk, *Trust* I. 389
Kensington v. Mansell, *Copyhold* 318
Kent v. Harpool, *Remainder* II. 274
* ———, *Merger* VI. 484
* — v. Steward, *Remainder* II. 265
*Kentish v. Kentish, *Devise* VI. 359
Kenworthy v. Bate, *Deed* IV. 206. 210
Kenyon v. Sutton, *Devise* VI. 110
Kerrick v. Bransby, *id.* 128
Kerry v. Derrick, *id.* 176
Keymer v. Summers, *Ways* III. 91
Kibbet v. Lee, *Deed* IV. 194
*Kidney v. Coussmaker, *Devise* VI. 356
Kightley v. Kightley, *id.* 359
Killick v. Flexney, *Trust* I. 397. 458
Kilmurry v. Gery, *Deed* IV. 142
Kimpland v. Courtney, *Devise* VI. 425
Kinaston v. Clarke, see Kynaston v. Clarke.
*Kinch v. Ward, *Devise* VI. 283
King v. Ballett, *Trust* I. 418
—— v. Boys, *Use* 350

Vol. Page

King v. Bromley, *Mortgage* II. 73
—— v. Burchell, *Deed* IV. 332
———, *Recovery* V. 382
———, *Devise* VI. 149. 296. 299. 328
—— v. Cotterill, *Franchise* III. 266
—— v. Denison, *Trust* I. 396
—— v. Dillingston, *Copyhold* 316
* — (The) v. Ferrybridge, *Estate for Life* 117
—— v. Hendon, *Copyhold* 296
—— (The) v. Hermitage, *Common* III. 82
—— v. King, *Mortgage* II. 125
———, *Devise* VI. 41
—— v. Laindon, *Deed* IV. 255
—— v. London, (Ep.) *Advowson* III. 8
—— v. Melling, *Recovery* V. 389
———, *Devise* VI. 141. 299
* — v. Moody, *Merger* 467, 468
—— v. Rumball, *Devise* 242. 337
—— v. Scammonden, *Deed* IV. 255
* — v. Shrives, *Devise* VI. 177
* — v. Taylor, *id.* 340
* — v. Turner, *Copyhold Heir* 36. 43
* — (The) v. Willes, *Copyhold* I. 308
* ——— v. Wilson, *Deed* IV. 405
Kingdon v. Bridges, *Trust* I. 402
Kingston's (Duchess of) Case, *Recovery* V. 432
Kingston v. Herbert, *id.* 426
* Kinnoul v. Money, *Mortgage* II. 147
Kirby v. Sadgrove, *Common* III. 76
Kirk v. Clark, *Deed* IV. 436
Kirkham v. Smith, *Estate Tail* I. 75
———, *Trust* 407

Vol. Page
Kirkham v. Smith, *Mortgage* II. 149
Kirkman v. Thomson, *Recovery* V. 410. 412
* Kirkpatrick v. Capel, *Deed* IV. 234
* ——— v. Kirkpatrick, *Devise* VI. 402
Kite and Queinton's Case, *Alienation by Custom* V. 491
Knapp v. Williams, *Mortmain* VI. 16
Knight's Case, *Rents* III. 277
* Knight v. Ellis, *Devise* VI. 408
——— v. Halsey, *Tithes* III. 43
——— v. Mosely, *Estate for Life* I. 131
Knollys v. Alcock, *Devise* VI. 94
Knotsford v. Gardiner, *id.* 189
* Knott ex parte, *Mortgage* II. 173, 174
Knowles v. Spence, *id.* 115
* Knye v. Moore, *Deed* IV. 419
Kyghly's Case, *Mortgage* II. 65
Kynaston v. Clarke, *Reversion* 340
———, *Deed* IV. 93
———, *Fine* V. 214
* ———, *Devise* VI. 9
* ———, *Merger* 482

L.

Lacon v. Mertins, *Deed* IV. 39
Lacy v. Anderson, *Jointure* I. 194
* — v. Williams, *Recovery* V. 278
Lade v. Holford, *Trust* I. 415. 443
———, *Tenancy in Common* II. 407
———, *Devise* VI. 152. 435. 464
Lake v. Craddock, *Joint Tenancy* II. 371
—— v. Delambert, *Trust* I. 460
Vol. Page
* Lake v. Thomas, *Mortgage* II. 121
Lamb v. Archer, *Devise* VI. 400
Lambe v. Reaston, *Fine* V. 143
Lampet's Case, *Deed* IV. 81
———, *Fine* V. 175
———, *Devise* VI. 393. 395
Lamplugh v. Lamplugh, *Trust* I. 392 399
Lamprey v. Rooke, *Tithes* III. 53
* Lancashire v. Doe, *Devise* VI. 452
Lancaster v. Thornton, *id.* 363
Lance v. Norman, *Deed* IV. 413
Lane's Case, *Copyhold* I. 326
Lane v. Hawkins, *Devise* VI. 213
—— v. Pannel, *Remainder* II. 255, 256. 271
———, *Alienation by Custom* V. 471
—— v. Lord Stanhope, *Devise* VI. 190
* — v. Wilkins, *id.* 98
Lanesborough v. Fox, *Deed* IV. 349
———, *Devise* VI. 142. 370. 382. 385. 390
* ———, *Merger* 485
Langford v. Pitt, *Devise* 24. 33
* Langham v. Nenny, *Deed* IV. 200
Langley v. Baldwin, *Devise* VI. 141 244
——— v. Sneyd, *Descent* III. 339
Langton and —— *Trust* I. 422
* Lanoy v. Athol, *Mortgage* II. 124
Lansdown's Case, *Devise* VI. 114
* Lansdowne, Mar. v. Dow. March. of, *Estate for Life* I. 121
Large's Case, *Remainder* II. 204
Larkins v. Larkins, *Devise* VI. 87
* Lashbrook v. Cock, *id.* 337
Lashmere v. Avery, *Copyhold* I. 289
Lassells v. Lord Cornwallis, *Deed* IV. 231

Vol. Page

Latham v. Attwood, *Estate for Life* I. 106
* Latimer v. Batson, *Deed* IV. 442
* Latouch v. Dunsany, *Mortgage* II. 174
Laughter's Case, *Condition* II. 27
Laughter v. Humphrey, *Recovery* V. 409
Laund v. Tucker, *Fine* 201
Lavender v. Blackstone, *Deed* IV. 432
Law v. Law, *Offices* III. 110
— v. Lincoln (Ep.), *Devise* VI. 26
*Lawley v. Lawley, *Prescription* III. 464, 465
Lawrence v. Lawrence or Dodwell, *Dower* I. 179, 180, 181. 184. 186
———— v. Maggs, *Deed* IV. 148
———— v. Wallis, *id.* 196
Lawson v. Hudson, *Mortgage* II. 140
Lawton v. Ward, *Ways* III. 88
* Layfield v. Cowper, *Estate for Life* I. 117
Layng v. Paine, *Offices* III. 110
Leach v. Dean, *Deed* IV. 427. 434
Leak v. Ep. Coventry, *Advowson* III. 26
Leake v. Randall, *Dower* I. 181
Lechford's Case, *Copyhold* 312
* Lechmere's (Lord) Case, *Jointure* 191
*Lechmere v. Brasier, *Reversion* II. 355
*Lee's Case, *Estate for Years* I. 239
* ————, *Merger* VI. 479
————, (Sir R.), *Deed* IV. 201
Lee v. Alston, *Estate for Life* I. 127
— v. Arnold, *Rents* III. 276
— v. Boothby, *Copyhold* I. 264

Vol. Page

Lee v. Brown, *Alienation by Custom* V. 480
— v. Browne, *King's Grant* 55
*— v. Lee, *Merger* VI. 485
— v. Libb, *Devise* 57
— v. Norris, *Prescription* III. 457
— v. Stephens, *Devise* VI. 225
Lee v. Vernon, *Trust* I. 397
Leech v. Cole, *Recovery* V. 366
—— v. Leech, *Deed* IV. 428
—— v. Trollop, *Estate for Life* I. 108
*————, *Jointure* 206
*Leeds v. Munday, *Devise* VI. 206
*Lees v. Nuttall, *Trust* I. 460
—— v. Summersgill, *Devise* VI. 61
Legal v. Miller, *Deed* IV. 44
Legate v. Sewell, *Devise* VI. 281. 300
Legg v. Goldwire, *id.* 325
Legh v. E. of Warrington, *Devise* VI. 355
Leicester's Case, *Deed* IV. 200
Leicester Forest, Case of, *Franchise* III. 246
*Leife v. Saltingstone, *Deed* IV. 208
Leigh v. Brace, *id.* 257. 282
—— v. Leigh, *Devise* VI. 173
Leighton v. Theed, *Estate at Will* I. 245
Le Maitre v. Bannister, *Devise* VI. 160
Leman v. Newnham, *Mortgage* II. 136
*—— v. Whitley, *Trust* I. 390
Le Mayne v. Stanley, *Devise* VI. 48. 50
Lemon v. Lemon, *Dower* I. 180. 184. 186
*Lempster (Lord) v. Lord Pomfret, *Estate for Life* 107, 108

Vol. Page

Le Neve v. Le Neve, *Mortgage* II. 195
———————, *Deed* IV. 454
*Leonard v. Baker, *id.* 442
*——— v. Earl of Sussex, *Devise* VI. 307. 311. 316
Lesquire v. Lesquire, *Dower* I. 181
Leventhorpe v. Ashby, *Estate for Years* 235
Lever v. Hosier, *Recovery* V. 341
Levin v. Weatherall, *Deed* IV. 301
Lewellin v. Mackworth, *Prescription* III. 460
Lewen v. Cox, *Devise* VI. 336
——— v. Mody, *Deed* IV. 264
Lewing's Case, *Fine* V. 130
*Lewis v. Bridgman, *Tithes* III. 47
——— v. Freke, *Deed* IV. 137
*——— v. Lewellyn, *id.* 200
——— v. Nangle, *Mortgage* II. 146
——— v. Pead, *Deed* IV. 412
——— v. Waters, *Devise* VI. 239
Lichden v. Winsmore, *Estate for Years* I. 238, 239
*———————, *Merger* VI. 480
*Lilly v. Taylor, *Devise* 295
Limax v. ——, *Jointure* I. 206
Lincoln's (Lord) Case, *Devise* VI. 95
Lincoln College Case, *Recovery* V. 376. 413
——————— v. Newcastle, *Deed* IV. 259
——————— v. Rolle, *Mortgage* II. 101
———— (Ep.) v. Wolforstan, *Advowson* III. 26
Lindopp v. Eborall, *Devise* VI. 205
Lindsay v. Gray, *Fine* V. 140
Lingard v. Griffin, *id.* 256

Vol. Page

*L'Isle Peerage, Case of, *Dignities* III. 129 et seq.
Lister v. Lister, *Fine* V. 130
Litton v. Lady Falkland, *Devise* VI. 114
* Livesay v. Harding, *id.* 344
* Livett v. Wilson, *Ways* III. 87
Lloyd v. Baldwin, *Trust* I. 450
——— v. Brooking, *Remainder* II. 245. 271
——— v. Carew, *id.* 265. 281
———————, *Deed* IV. 345
———————, *Fine* V. 232
* ——— v. Crispe, *Estate on Condition* II. 9
——— v. Evelin, *Recovery* V. 290
*——— v. Passingham, *Dignities* III. 202
——— v. Read, *Trust* I. 401
——— v. Lord Say and Sele, *Deed* IV. 247
———————, *Fine* V. 85. 89
———————, *Recovery* 310
——— v. Spillet, *Trust* I. 394
——— v. Thursby, *Mortgage* II. 124
——— v. Vaughan, *Fine* V. 239
———————, *Recovery* 438
Loddington v. Kime. See Ludding-ton v. Kime
Loggin, Demand. *Recovery* V. 366
Lomax v. Holmden, *Devise* VI. 169, 170
Lombe v. Lombe, *Fine* V. 129
London (Mayor of) v. Alford, *id.* 188
——— (Ep.) v. Fitch, *Advowson* III. 30. 35, 36
——— (City of) v. Mitford, *Deed* IV. 401
———(Ep.)v. Row, *Copyhold* I. 263
———— v. Webb, *Estate for Years* 233

	Vol. Page
Londonderry v. Wayne, *Deed*	IV. 154
Long v. Blackall, *Devise*	VI. 372. 400. 435. 439. 445. 452. 454. 458
—— v. Dennis, *Condition*	II. 20
—— v. Hemmings, *Advowson*	III. 3
—— v. Long, *Deed*	IV. 206. 438
* —— v. Rankin, *Power*	235
Longchamp v. Fish, *Devise*	VI. 51
Longdon v. Simson, *id.*	436
Longford v. Eyre, *id.*	53
Longhead v. Phelps, *id.*	382
* Longmore v. Broom, *id.*	148
Longville's Case, *Dower*	I. 171
Lord v. Bicose, *Recovery*	V. 355
Lougher v. Williams, *Deed*	IV. 372. 375
* Lovat v. Lord Ranelagh, *Estate on Condition*	II. 31, 32
Love v. Wyndham, *Devise*	VI. 396. 403. 407. 442. 448
Loveacres v. Blight, *id.*	208, 209
* Lovel's (Lord) Case, *King's Grant,*	V. 53. 61
Lovel v. Lancaster, *Mortgage*	II. 126
* Lovell's (Sir S.) Case, *id.*	106
Lovie's Case, (10 Rep. 78.) *Estate for Years*	I. 235
——————, *Remainder*	II. 326
——————, *Deed*	IV. 148
Low v. Burron, *Estate for Life*	I. 103
* ——————, *Deed*	IV. 325
* ——————, *Devise*	VI. 290
Lowe's Case, *Tenures*	I. 21
Lowe v. Davies, *Devise*	VI. 272. 292, 293
* —— v. Govett, *King's Grant*	V. 57
Lowther v. Cavendish, *Devise*	VI. 187
—— v. Raw, *Copyhold*	I. 300
Lowthian v. Hasel, *Mortgage*	II. 111. 174
Lowton v. Lowton, *Estate Tail*	I. 97
Loyd v. Griffith, *Deed*	IV. 385. 388
Lucy v. Levingston, *Private Act*	V. 8
Luddington v. Kime, *Remainder*	II. 217. 220. 328
——————, *Recovery*	V. 394
——————, *Devise*	VI. 169. 297. 299. 451
* Lufkin v. Nunn, *Deed*	IV. 58
* Luggins v. Rawlins, *Fine*	V. 144
Lambard's Case, *Recovery*	361
Lumley's Case, *Descent*	III. 387
Lumley, Barony, Case of, *Dignities*	159. 182
Lush v. Wilkinson, *Deed*	IV. 427
Lusher v. Banbong, *id.*	128
* Lushington v. Bolderow, *Devise*	VI. 80
* —————— v. Sewell, *id.*	343
Luther v. Kirby, *id.*	107
Luttrell's Case, *Prescription,*	III. 428
Luttrell v. Olmius, *Estate Tail*	I. 84
——————, *Recovery*	V. 445
Lutwich v. Mitton, *Deed*	IV. 114
——————, *Devise*	VI. 96
—— v. Winford, *Trust*	I. 452
Lyddall v. Weston, *Estate in Fee*	55
——————, *Trust*	416
Lynch v. Spencer, *Recovery*	V. 412
Lyster v. Dolland, *Mortgage*	II. 104
Lytton v. Lytton, *Devise*	VI. 390

M.

* Maberly v. Strode, *Devise*	VI. 148. 340
* Macey v. Shurmer, *Deed*	IV. 210

Vol. Page

Machell v. Clarke, *Estate Tail* I. 81
* ———————, *Recovery* V. 365
*Macher v. Foundling Hospital, *Estate on Condition* II. 9. 32
Mackenzie v. Lord Powis, *Prescription* III. 468
——— v. Robinson, *Advowson* 19
——— v. Stuart, *Private Act* V. 23
*Mackreth v. Symmons, *Mortgage* II. 191
Mackwilliam's Case, *Fine* V. 162. 165
Mackworth's (Sir H.) Case, *Recovery* 349
Macnamara v. Jones, *Devise* VI. 41
*——— v. Lord Whitworth, *id.* 298
Macqueen v. Farquhar, *Deed* IV. 179. 192
Maddon v. White, *Estate at Will* I. 247
Magdalen College, Case of, *Prescription* III. 454
———————————, *Fine* V. 224
Magennis v. M'Cullogh, *Deed* IV. 85
Main v. Melbourn, *id.* 40
Mainwaring v. Baxter, *id.* 330
Maire, ex parte, *Fine* V. 129
*Makepiece v. Fletcher, *Deed* IV. 279
*Malim v. Keighley, *id.* 207
*———————, *Devise* VI. 162
Mallery v. Jennings, *Deed* IV. 104
Mallet v. Mallet, *Fine* V. 134
Mallock v. Eastley, *Franchise* III. 254
Mandevile's Case, *Deed* IV. 284
———————, *Devise* VI. 326

Vol. Page

Manfield v. Dugard, *Remainder* II. 227
———————, *Devise* VI. 274
Manley, Demand. *Fine* V. 143
Manlove v. Bale, *Mortgage* II. 87
Manning's Case, *Devise* VI. 393 394. 395
Mansell v. Mansell, *Trust* I. 450
———————, *Remainder* II. 286. 296. 307. 310. 312
Manser's Case, *Deed* IV. 26.
Mantell v. Mantell, *Descent* III. 386
*Maples v. Brown, *Power of Sale* IV. 198
Mardiner v. Elliot, *Copyhold* I. 282
Margetts v. Butcher, *Tithes* III. 41
Margrave v. Le Hooke, *Mortgage* II. 111
Markant v. Twisden, *Devise* VI. 181
*Marke v. Sulyard, *Copyhold* I. 272
*Markham v. Smith, *Tithes* III. 53
Marks v. Marks, *Condition* II. 25
*Marlborough's (D. of) Case, *Deed* IV. 332
* ——— v. Godolphin, *id.* 232
Marsh v. Lee, *Trust* I. 427
———, *Mortgage* II. 171. 174. 189
*Marsh v. Marsh, *Devise* VI. 172
Marshall v. Frank, *Deed* IV. 100. 249
——— v. Holloway, *Devise* VI. 463
——— v. Hopkins, *id.* 184
Marsham v. Hunter, *Common* III. 83
*Mather v. Thomas, *Devise* VI. 222
*Martin v. Mitchell, *Fine* V. 179
* ——— v. Mowlin, *Devise* VI. 202
——— v. Savage, *id.* 114
——— v. Seamore, *Deed* IV. 434
——— v. Strachan, *Remainder* II. 320

Vol. Page

Martin v. Strachan, *Recovery* V. 402. 480
—— v. Knollys, *Tenancy in Common* II. 401
Marwood v. Darrel, *Trust* I. 382
————, *Devise* VI. 170
* —— v. Turner, *Recovery* V. 389
————, *Devise* VI. 96. 111
Maryat v. Townly, *id.* 338
Mason v. Cæsar, *Common* III 76
—— v. Chambers, *King's Grant* V. 57
—— v. Cheney, *Mortgage* II. 133
—— v. Day, *Descent* III. 338. 339
—— v. Limbury, *Devise* VI. 160. 162
Massenburg v. Ash, *Deed* IV. 336
————, *Devise* VI. 415
Massey v. Rice, *Recovery* V. 342
—— v. Sherman, *Devise* VI. 160, 161. 162
*Masters v. Fletcher, *Tithes* III. 47
—— v. Masters, *Devise* VI. 47. 64
*Mather v. Thomas, *id.* 202. 204
*Matheson v. Trot, *Recovery* V. 304
Matthews v. Temple, *Remainder* II. 262
* —— v. Venables, *Revocation of Devise* VI. 105
—— v. Walwyn, *Mortgage* II. 89
—— v. Wheaton, *Copyhold* I. 309
* —— v. L—e, *Deed* IV. 419
*Maundrell v. Maundrell, *Dower* I. 178
———— ————, *Trust* 439

Vol. Page

* Maundrell v. Maundrell, *Merger* VI. 498
Maunsfield's Case, *Jointure* I. 201
Maxwell v. Montacute, *Deed* IV. 38
* —— v. Ward, *id.* 403
May v. Hook, *Joint Tenancy* II. 380. 382
————, *Deed* IV. 16
— v. Street, *Escheat* III. 416
*Mayney's Case, *Dower* I. 174
Mayo v. Combes, *Fine* V. 118
Mayre v. Coulthard, *Recovery* 355
Mead v. Lenthall, *King's Grant* 57
Measure v. Gee, *Devise* VI. 276. 279. 283
* Meggison v. Moore, *id.* 163
* Melle's Case, *Jointure* I. 195
Mellor v. Lees, *Mortgage* II. 75
Melwich v. Luter, *Copyhold* I. 260. 267
* Mendes v. Mendes, *Devise* VI. 340
* Menvil's Case, *Dower*, I. 174
*———— — —, *Fine* V. 200
Menzey v. Walker, *Deed* IV. 207
* Meredith v. Heneage, *Devise* VI. 163
—— v. Jones, *Use* I. 355
—— v. Leslie, *Remainder* II. 273
————, *Recovery* V. 377. 399
Meredyth v. Leslie, *Deed* IV. 308
Meres v. Ansell, *id.* 253. 255
Merest v. James, *Devise* VI. 253
*———— ————, *Merger* 482, 483
Merry v. Reeves, *Estate on Condition* II. 21
Merson v. Blackmore, *Devise* VI. 268
Mertins v. Bennet, *Deed* IV. 416
Merton's (Abbot of) Case, *Fine* V. 70
Metcalfe ex dem. Parry, *Recovery* 305

	Vol. Page
Methams v. Devon, *Devise*	VI. 15. 166
Meure v. Meure, *id.*	309
Meyrick v. Meyrick, *id.*	184
——— v. Whishaw, *Deed*	IV. 301
Miall v. Brain, *Dower*	I. 185, 186
Middlemore v. Goodale, *Deed*	IV. 381
Middleton v. Jackson, *Copyhold*	I. 301
——— v. Spicer, *Escheat*	III. 415
——— v. Welles, *Deed*	IV. 412
Milbanke, v. Jolliffe, *Recovery*	V. 356
Milbourn v. Milbourn, *Devise*	VI. 204
Mildmay's Case, *Remainder*	II. 233, 234
*———, *Dignities*	III. 155
———, *Deed*	IV. 178
———, *Recovery*	V. 381
Mildmay v. Hungerford, *Alienation by Custom*	463
Milfax v. Baker, *Copyhold*	I. 319, 320
———, *Fine*	V. 221
Millard's Case, *Trust*	I. 449
* Miller v. Horton, *Estate in Fee*	58
*———, *Devise*	VI. 359
——— v. Seagrave, *id.*	280
*Milner v. Lord Harewood, *Estate for Life*	I. 111
*———, *Deed*	IV. 16
Milward v. Thatcher, *Offices*	III. 115
* Mines, Case of, *King's Grant*	V. 53
Minshull v. Minshull, *Devise*	VI. 154
Mitchell v. Neale, *Alienation by Custom*	V. 450
Mitford v. Elliot, *Recovery*	414
Mitton's Case, *Offices*	III. 94
* Mocatta v. Lousada, *Deed*	IV. 211
——— v. Murgatroyd, *Mortgage*	II. 170
* Mogg v. Mogg, *Estate for Life*	I. 103
*———, *Remainder*	II. 262
*———, *Devise*	VI. 306
Mohun v. Mohun, *Devise*	VI. 134
* Mole v. Smith, *Dower*	I. 177
———, *Trust*	441
Mollineux v. Powell, *Estate for Years*	231
Molton's Case, *Fine*	V. 240
* Moncaster v. Watson, *Tithes*	III. 55
Mondey v. Mondey, *Mortgage*	II. 199
* Moneypenny v. Bristow, *Devise*	VI. 115. 121
Monk v. Butler, *Fine*	V. 136
—— v. Cooper, *Rents*	III. 299
* Monkhouse v. Monkhouse, *Devise*	VI. 147
Montague's Case, *Copyhold*	I. 309
Montague v. Maxwell, *Jointure*	220
* ——— v. Nucella, *Devise*	VI. 148
Montfort v. Cadogan, *Trust*	I. 456
———, *Mortgage*	II. 149
* Montresor v. Williams, *Prescription*	III. 469
* Moody v. Garnon, *Rents*	305
——— v. Moody, *Joint Tenancy*	II. 375
———, *Recovery*	V. 379
——— v. Walters, *Remainder*	II. 298
Moone v. Heaseman, *Devise*	VI. 163. 222
Moor v. Onslow, *Joint Tenancy*	II. 386
—— v. Price, *Devise*	VI. 222
—— v. Savill, *Condition*	II. 5
Moore's Case, *Alienation by Custom*	V. 460
Moore v. Foley, *Deed*	IV. 400, 401
—— v. Hart, *id.*	37
—— v. Hawkins, *Devise*	VI. 27
—— v. Hussey, *Deed*	IV. 141
* — v. Jennings, *id.*	458

	Vol. Page
* Moore v. Mellor, *Devise*	VI. 223
* —— v. Moore, *Copyhold*	I. 274
—— v. Parker, *Remainder*	II. 246
* ————, *Deed*	IV. 310
Moorhouse v. Wainhouse, *Remainder*	II. 332
More's Case, *Condition*	II. 7
Moreau's Case, *Fine*	V. 118
Morecock v. Dickins, *Deed*	IV. 450
* Morgan, ex parte, *Devise*	VI. 204
* —— v. Bissell, *Deed*	IV. 58
—— v. Griffiths, *Devise*	VI. 239
* —— v. Morgan, *Trust*	I. 409
—— v. Surman, *Devise*	VI. 181
—— v. Tedcastle, *Deed*	IV. 267
Morrett v. Paske, *Mortgage*	II. 108. 174
* Morris v. Barrett, *Devise*	VI. 329
—— v. M'Cullock, *Offices*	III. 112
* —— v. Stephenson, *Fine*	V. 179
—— v. Ward, *Deed*	IV. 306
————, *Devise*	VI. 282. 326
* Morse v. Lord Ormonde, *id.*	388
—— v. Royal, *Trust*	I. 459
Mortimer v. Lloyd, *Tithes*	III. 50
—— v. West, *Devise*	VI. 149
Mortimore's Case, *Copyhold*	I. 325
Moss v. Gallimore, *Mortgage*	II. 84
Motley, ex parte, *Fine*	V. 145
* Mounson v. West, *Merger*	VI. 491
Mountford v. Catesby, *Deed*	IV. 378
Mountjoy's Case, *id.*	175, 176, 351
————, *Devise*	VI. 31
Moyse v. Giles, *Joint Tenancy*	II. 380
Mulgrave v. Mounson, *Fine*	V. 232
————, *Recovery*	418
* Muller v. Moss, *Deed*	IV. 442
Mullet v. Halfpenny, *id.*	38
Mullineux's Case, *Devise*	VI. 370
Mumma v. Mumma, *Trust*	I. 399, 400
* Mundy v. Mundy, *Dower*	172
Murray v. Harding, *Deed*	IV. 410
* —— v. E. of Stair, *id.*	29
—— v. Wise, *Devise*	VI. 218
Murrell v. Osborn, *Recovery*	V. 369
—— v. Smith, *Copyhold*	I. 260
Murrey v. Eyton and Price, *Recovery*	V. 421
* Murthwaite v. Jenkinson, *Devise*	VI. 306
Musgrave v. Parry, *Remainder*	II. 309
Mutton's Case, *id.*	263
Mytton v. Lutwich, *Deed*	IV. 119

N.

Nagle v. Edwards, *Tithes*	III. 56
* Nanfan v. Legh, *Deed*	IV. 281
————, *Devise*	VI. 232
* Nanny v. Edwards, *Mortgage*	II. 199
Napper v. Sanders, *Remainder*	206. 216. 221. 243
Nash v. Aston, *Deed*	IV. 378
* —— v. Coates, (3 B. & Adol. 839.) *Trust*	I. 383
* ————, *Devise*	VI. 282
—— v. Derby, *Copyhold*	I. 321
—— v. Preston, *Mortgage*	II. 67
* Naylor v. Arnitt, *Lease*	IV. 69
Neale v. Attorney-General, *Mortgage*	II. 153
—— v. Jackson, (4 Rep. 26. b.) *Copyhold*	I. 260

Vol. Page

Neale v. Wilding, *Recovery* V. 422
Needler v. Ep. Winchester, *Deed* IV. 142
Nelson's Case, *Common* III. 82
Nervin v. Munns, *Deed* IV. 382
Nevell v. Nevell, *id.* 279. 298
—— v. Hamerton, *Common* III. 79
Nevil's Case, *Dignities* 146. 156. 180
Nevil v. Saunders, *Trust* I. 385
Nevill's Case, *Copyhold* 265
——, *Offices* III. 115
* Newbold v. Roadknight, *Devise* VI. 93
Newcastle's (D. of) Case, *Remainder* II. 313
Newcastle v. Lincoln, *Deed* IV. 336
—— (D. of) v. Pelham, *Devise* VI. 9
—— v. Vane, *Estate for Life* I. 124
* Newland v. ——, *Estate by Statute, &c.* II. 45
* —— v. Marjoribanks, *Devise* VI. 179
* —— v. Watkin, *Deed* IV. 13
—— v. Sheppard, *Devise* VI. 209
Newling v. Abbot, *Mortgage* II. 149
Newman v. Johnson, *Devise* VI. 361
* —— v. Newman, *Advowson* III. 36
* —— v. Nightingale, *Devise* VI. 148
Newstead v. Serles, *Deed* IV. 443
* Newton v. Ayscough, *Devise* VI. 340
* —— v. Bennet, *Mortgage* II. 104
—— v. Barnardine, *Devise* VI. 240
—— v. Reid, *Separate Use* Appx. VII. 15

Vol. Page

Nicholas v. Elliot, *Tithes* III. 40
Nicholls v. Butcher, *Devise* VI. 205. 217
—— v. Howe, *Deed* IV. 421
Nichols v. Haywood, *id.* 408
* —— v. Maynard, *Mortgage* II. 151
* Nicloson v. Wordsworth, *Trust* I. 454. 460
——, *Deed* IV. 405
Nicolls v. Sheffield, (2 Br. C. C. 215.) *Remainder* II. 226
——, *Recovery* V. 392, 393
Nightingale v. Ferrers, *Use* I. 378
——, *Deed* IV. 128
Nind v. Marshall, *id.* 383
Noble v. King, *id.* 379
* Noel v. Hoy, *Devise* VI. 205
—— v. Jevon, *Trust* I. 447
* —— v. Ward, *Estate for Life* 108
* —— v. Weston, *Devise* VI. 358
Nokes's Case, *Deed* IV. 357. 370
Norfolk's (D. of) Case, *Trust* I. 425
——, *Mortgage* II. 179
——, *Deed* IV. 239
* ——, *Private Act* V. 22
——, *Devise* VI. 395. 397. 400, 401. 436. 443. 448
* ——, *Merger* 493
Norfolk v. Brown, *Trust* I. 394
Norrice (Lord) v. M. of Winchester *Recovery* V. 439
* Norris v. Harrison, *Rents* III. 284
—— v. Norris, *Copyhold* I. 304
—— v. Trist, *Deed* IV. 49
North v. Williams, *Recovery* V. 385
—— v. Way, *Trust* I. 407
Northampton's (M. of) Case, *Deed* IV. 167

Vol. Page

* Northcote v. Duke, *Estate on Condition* II. 31
Northey v. Strange, *Devise* VI. 451
Northumberland (D. of) v. Errington, *Deed* IV. 371
Northwick v. Stanway, *Copyhold* I. 263. 303
Norton v. Clarke, *Tithes* III. 39
* Norton v. Frecker, *Use* I. 353
——— v. Ladd, *Devise* VI. 221
Nottingham v. Gennings, *id.* 238
Nouaille v. Greenwood, *Recovery* V. 389
Nowlan v. Nelligan, *id.* 162
Noys v. Mordaunt, *Dower* I. 184
———————, *Mortgage* II. 90
———————, *Devise* VI. 16. 19. 20

O.

Oakeley v. Smith, *Alienation by Custom* V. 480
* ———————, *Merger* VI. 471
Oates v. Brydon, *Devise* 209
—— v. Chalfont, *id.* 391. 408
—— v. Cooke, *id.* 229
—— v. Frith, *Rents* III. 278
—— v. Jackson, *Joint Tenancy* II. 368
———————, *Devise* VI. 329
O'Brien v. O'Brien, *Estate for Life* I. 129
O'Callaghan v. Cooper, *Condition* II. 21
Odiarne (Doe dem.) v. Whitehead, *Fine* V. 186. 218
Ogle Barony, Case of, *Dignities* III. 195
—— v. Cooke, *Devise* VI. 110

Vol. Page

Ognell v. Lord Arlington, *Fine* V. 184
* O'Keefe v. Jones, *Devise* VI. 281
* Oland's Case, *Estate for Life* I. 106
———————, *Estate at Will* 244.
———————, *Copyhold* 285
* Oland v. Burdwick, *Jointure* 234
Oldcot v. Levell, *Alienation by Custom* V. 478
* Oliver v. Richardson, (9 Ves. 222.) *Dower* I. 173
——— v. Taylor, *Alienation by Custom* V. 478
O'Neale v. Mead, *Mortgage* II. 138
Onions v. Tyrer, *Devise* VI. 80. 84. 88
Opey v. Thomasius, *Deed* IV. 168
Orby v. Mohun, *id.* 173
Orde v. Heming, *Mortgage* II. 118
—— v. Smith, *id.* 69. 117. 122
* Orlebar v. Fletcher, *Estate by Statute, &c.* 45
Orrell v. Maddox, *Prescription* III. 439. 443
Osbaston v. Stanhope, *Reversion* II. 338. 341
Osborn v. Churchman, *Deed* IV. 101 249
Osgood v. Strode *id.* 23. 442
* Osman v. Sheafe, *id.* 249
Oswald v. Legh, *Prescription* III. 456
*Otread v. Round, *Fine* V. 179
Otway v. Hudson, *Trust* I. 411
———————, *Alienation by Custom* V. 485.
———————, *Devise* VI. 41
Owen v. Morgan, *Joint Tenancy* II. 375
———————, *Recovery* V. 370, 371. 379
—— v. Smyth, *Deed* IV. 286
Oxenden v. Penerice, *Devise* VI. 61

Vol. Page

Oxenden v. Skinner, *Tithes* III. 48. 63
Oxford, Earldom, Case of, *Dignities* 147. 190
——— (University of) v. Clifton, *Devise* VI. 239
——— (Earl of) v. Rodney, *Mortgage* II. 143
Oxon (Ep.) v. Leighton, *Deed* IV. 136
Oxwick v. Brokett, *Mortgage* II. 178
——— v. Plumer, *id.* 167

P.

Packington v. Packington, *Estate for Life* I. 129
Pacey v. Knollis, *Devise* VI. 183
Padine v. Jane, *Rents* III. 298
Page's Case, *King's Grant* V. 46
Page v. Hayward, *Recovery* 367. 391
*———————, *Devise* VI. 369
* — v. Wilson, *Tithes* III. 53
Paget's Case, *Estate for Life* I. 120
———————, *Remainder* II. 314
———————, *Deed* IV. 102
Paget v. Paget, *id.* 25
Pagett v. Gee, *Rents*, III. 307, 308, 309
*Paice *v.* Canterbury, (Archbp. of) *Devise* VI. 259
Paine's Case, *Curtesy* I. 146
Paine v. Herbert, *Descent* III. 392
Palmer's (Sir T.) Case, *Remainder* II. 242
*Palmer v. Bate, *Offices* III. 111
——— v. Edwards, *Deed* IV. 88. 375
——— v. Neave, *id.* 416
——— v. Palmer, *Common* III. 74. 80

Vol. Page

Palmer v. Schribb, *Devise* VI. 159
* ——— v. Vaughan, *Offices* III. 111
Papillon v. Voice, *Estate Tail* I. 75
* ———————, *Estate for Life* 107
———————, *Devise* VI. 276, 277, 288. 307. 310. 315
*Paris v. Miller, *id.* 218. 271
Parke v. Mears, *Deed* IV. 31
Parker v. Bleeke, *Copyhold* I. 287
——— v. Combleford, *id.* 304
*——— v. Fearnley, *Devise* VI. 360
——— v. Gage, *Copyhold* I. 306
——— v. Harvey, *Jointure* 207
——— v. Kett, *Offices* III. 106
———————, *Alienation by Custom* V. 449
——— v. Lamb, *Devise* VI. 109
——— v. Parker, *Deed* IV. 227
——— v. Turner, *Alienation by Custom.* V. 483, 484
Parkins v. Hinde, *Tithes* III. 38
*Parr v. Swindels, *Devise* VI. 266
*Parry v. Wright, *Mortgage* II. 170
Parson v. Thomson, *Offices* III. 111
Parsons v. Freeman, *Mortgage* II. 143
———————, *Devise* VI. 97. 101, 102. 106, 107
——— v. Perns, *Deed* IV. 47
*Partridge v. Bere, *Estate for Years* I. 243
———————, *Mortgage* II. 80
——— v. Whiston, *Advowson* III. 35
Pascal v. Wood, *Copyhold* I. 319
Pasley v. Freeman, *Mortgage* II. 170
Patteson v. Thompson, *Alienation by Custom* V. 474
Patton v. Randall, *Devise* VI. 163. 362
*Paul v. Compton, *id.* 163

Vol. Page
*Paul v. Nurse, *Estate on Condition* II. 9
—— v. Paul, *Devise* VI. 184. 188
Paulin v. Hardy, *Recovery* V. 275
* ————, *Merger* VI. 470
Pawlet v. Pawlet, *Condition* II. 18
————, *Deed* IV. 204
*Pawlett v. Attorney-General *Trust* I. 448
————, *Mortgage* II. 106
* ————, *Escheat* III. 418, 419
Pawsey v. Lowdell, *Devise* VI. 289
Pay's Case, *id.* 377, 378. 420. 423
Peaceable v. Read, *Tenancy in Common* II. 405
Peachey v. Somerset, *Copyhold* I. 322
Peacock v. Evans, *Deed* IV. 411
*——— v. Monk, *id.* 110
——— v. Spooner, *id.* 325—328
Peak v. Tucker. *Franchise* III. 263
Pearce v. Newlyn, *Trust* I. 450
————, *Mortgage* II. 195
————, *Remainder* 287. 310
* —— v. Vincent, *Devise* VI. 173
Pearson v. Morgan, *Mortgage* II. 170
——— v. Pearson, *Dower* I. 185, 186
——— Demand. *Recovery* V. 358
——— v. Pulley, *Mortgage* II. 114
——— v. Vickers, *Devise* VI. 253
Peat v. Powell, *id.* 164. 210
Peate v. Ougly, *id.* 62
Peck v. Channel, *Recovery* V. 376
*Pedler v. Paige, *Deed* IV. 31
Peirson v. Shore, *Descent* III. 339
Peiton v. Banks, *Devise* VI. 221

Vol. Page
Pelham's Case, *Recovery* V. 398
Pelham v. Gregory, *Deed* IV. 334
Pells v. Brown, *Devise* VI. 367. 369, 370. 373, 374
* ————, *Merger* 485
Pemberton v. Pemberton, *Devise* 86. 122
Pembroke's (Lord) Case, *Recovery* V. 354
Pembroke (Lord) v. Lord Jeffreys, *Fine* 139
Penchyn v. Harris, *Devise* VI. 26
Pendock v. Mackender, *id.* 61
*Penfred v. Groome, *Tithes* III. 53
Penhay v. Hurrell, *Use* I. 372
———— ——, *Remainder*, II. 261
*Penn v. Lord Baltimore, *Escheat*, III. 418
Pennant's Case, *Condition* II. 7
Penne v. Peacock, *Deed* IV. 234. 236
————, *Fine* V. 181. 185. 253
Penner v. Jemmett, *Mortgage* II. 163
Penrhyn v. Hughes, *Estate for Life* I. 107
Penyston v. Lyster, *Fine* V. 191
Perkins v. Sewel, *Recovery* 418
——— v. Walker, *Deed* IV. 201
Perrin v. Blake, *Devise* VI. 292. 313
——— v. Lyon, *Condition* II. 19
Perrot's Case, *Deed* IV. 109
————, *Fine* V. 128
Perrot v. Perrot, (3 Atk. 94.) *Estate for Life* I. 117. 121
Perry v. Barker, *Mortgage* II. 199
—— v. Marston, *id.* 118
—— v. Phelips, *Trust* I. 394. 456
————, *Devise* VI. 29
——— v. White, *id.* 345
* —— v. Woods, *id.* 340

Vol. Page

Peter v. Russell, *Mortgage* II. 163
* Petre (Lord) v. Blencoe, *Tithes* III. 57
* — v. Petre, *Estate for Life* I. 108
* Pettiward v. Prescott, *Devise* VI. 215. 271
* Pettman v. Bridger, *Prescription* III. 422
Pettus v. Godsalve, *Fine* V. 141
Petty's Case, *id.* 88. 109
Petty v. Styward, *Joint Tenancy* II. 370
Pettywood v. Cooke, *Devise* VI. 259
Philips v. Hele, *id.* 25. 204
* —— v. Brydges, *id.* 284
* ————, *Merger* 496
* Phillips v. Doelittle, *Estate on Condition* II. 31
——— Demand. *Fine* V. 143
Phipard v. Mansfield, *Devise* VI. 348. 350. 352
Phipps v. Anglesea, (E. of,) *id.* 78
——— v. Kelynge, *id.* 465
* —— v. Mulgrave, (Lord) *id.* 408
* —— v. Pitcher, *id.* 60
* —— v. Williams, *id.* 424
* Pibus v. Mitford, (1 Vent. 372.) *Use* I. 374
———— ———— *Deed* IV. 307
Pickering v. Stamford (Lord) *Dower* I. 186
——— v. Towers, *Devise* VI. 238
Pickett v. Loggan, *Deed* IV. 411
* Pickstock v. Lyster, *id.* 425
Pierson v. Garnet, *Devise* VI. 162
* —— v. Shore, *Descent* III. 339
—— v. Vickers, *Devise* VI. 237
Piggot v. Palmer, *Recovery* V. 409
——— v. Salisbury, *Fine* 220
Piggott v. Penrice, *Deed* IV. 230
Pigot's Case, *id.* 407

Vol. Page

Pigot v. Bullock, *Estate for Life* I. 117. 124. 128
Pigott v. Russell, *Fine* V. 236
—— v. Waller, *Recovery* 388
————, *Devise* VI. 115. 119. 121
Pike v. White, *id.* 35
Pilkington v. Bayley, *Trust* I. 403
——— v. Stanhope, *Alienation by Custom* V. 475
* Pill v. Taylor, *Offices* III. 117
—— v. Towers, *Prescription* 424
Pilsworth v. Pyett, *Deed* IV. 274
Pimb's Case, *Use* I. 350
————, *Dignities* III. 171
————, *Deed* IV. 21
Pincke v. Thornycroft, *Fine* V. 260
Pindar v. Rutter, *Rents* III. 299
Pinde v. Norton, *Recovery* V. 354
* Pinder, v. Spencer, *Estate for Life* I. 116, 117
* Pinero v. Judson, *Deed* IV. 56
* Piper v. Masters, *Descent* III. 382
Pistol v. Riccardson, *Devise* VI. 190. 192
Pitcairne v. Brase, *id.* 165
Pitt v. Jackson, *id.* 151
—— v. Moore, (2 Show. 153.) *Copyhold* I. 324
* — v. Pitt, *Mortgage* II. 107
Pitts v. Snowden, *Dower* I. 182, 183. 186
* Place v. Jackson, *Common* III. 74
Platt v. Sleap, *Estate for Years* I. 238, 239
* ————, *Merger* VI. 480
— — v. Sprigg, *Remainder* II. 290
* Playford v. Hoare, *Devise* VI. 313
Pledgard, v. Lake, *Recovery* V. 407
Plesaunts v. Higham, *Deed* IV. 56
Plumb v. Fluit, *Mortgage* II. 164. 195

Vol. Page

Plunket v. Holmes, *Remainder* II. 217. 273. 327. 329
———— ————, *Recovery* V. 394
*———— ————, *Merger* VI. 473. 483
———— v. Penson, *Trust* I. 413
*———— ————, *Mortgage* II. 103
Plymouth v. Archer, *Estate for Life* I. 129
Pockley v. Pockley, *Mortgage* II. 142
Pocklington v. Bayne, *Deed* IV. 207
Pocock v. Lee, *Mortgage* II. 145
*—— v. Bp. of Lincoln, *Devise* VI. 262
*Podger's Case, *Remainder* II. 210
———— ————, *Fine* V. 183. 215. 224. 227
Pole v. Pole, *Trust* I. 402
Pollard v. Greenvill, *Deed* IV. 228
———— v. Luttrell, *Fine* V. 246
Pollen v. Huband, *Devise* VI. 95
Pomery v. Partington, *Deed* IV. 163
Pomfret (Lord) v. Windsor (Lord) *Fine* V. 254
Poole's Case, *Condition* II. 6
Poole v. Bentley, *Deed* IV. 56
—— v. Poole, *Devise* VI. 289. 294, 295
—— v. Shergold, *Estate in Fee* I. 62
Pope v. Onslow, *Mortgage* II. 112
*—— v. Whitcomb, *Devise* VI. 340
*Popham v. Lancaster, *Copyhold* I. 301
Popley v. Popley, *Mortgage* II. 124. 133
Porter v. Bradley, *Devise* VI. 373. 405

Vol. Page

Porter v. Porter, *Recovery* V. 457
———— ————, *Devise* VI. 44
Portington's (Mary) Case, *Recovery* V. 347. 364. 381
Portland v. Prodgers, *Devise* VI. 14
Portsmouth (E. of,) v. Effingham (E. of,) *Recovery* V. 286
*———— ————, v. Suffolk (Lady) *Mortgage* II. 124
Potter v. Potter, *Descent* III. 330
————, *Devise* VI. 24. 115
*Poulet v. Poulet, *Condition* II. 18
Poultney v. Holmes, *Deed* IV. 88
Powel v. Peach, *Fine* V. 144
Powell v. Morgan, *Estate in Fee* I. 56
————, *Estate for Years* 240
* ———— ————, *Merger* VI. 498
*—— v. Peacock, *Copyhold* I. 282
———— v. Price, *Deed* IV. 321. 325
* —— v. Robins, *Devise* VI. 356
*Powis Barony, Case of, *Dignities* III. 203
*—— (E. of,) v. Capron, *Power of Sale* IV. 184, 185
Powlett v. Bolton, *Estate for Life* I. 125
* Powseley v. Blackman, *Estate at Will* 243
————————, *Mortgage* II. 80
Poyntz's Case, *Fine* V. 128
* Prescott v. Boucher, *Rents* III. 285
Preston v. Funnell, *Devise* VI. 235
———— v. Merceau, *Deed* IV. 253, 254
* Prevost v. Clarke, *Devise* VI. 163
* Price, Demand. *Fine* V. 130
* —— v. Copner, *Mortgage* II. 114
—— v. Davies, *Fine* V. 73

Vol. Page

Price v. Gibson, *Devise* VI. 215. 271
——— v. Hunt, *id.* 144
——— v. Langford, *Fine* V. 221
* ———, *Merger* VI. 495
——— v. Morgan, *Remainder* II. 321
——— v. Price, *Deed* IV. 329
* ——— v. Seys, *Merger* VI. 496
* Prideaux, Demand. *Fine* V. 97
Priest v. Parrot, *Deed* IV. 419
Primate v. Jackson, *Mortgage* II. 171
Prime v. Stebbing, *Jointure* I. 204. 215. 221
Prince v. Heylin, *Devise* VI. 337
Pringe v. Child, *Prescription* III. 425
Probert v. Morgan, *Jointure* I. 207. 215
———, *Deed* IV. 198
Procter v. Cowper, *Mortgage* II. 116
——— v. Oates, *id.* 118
Proctor v. Bath, (Ep.) *Devise* VI. 381. 435, 436
Proude v. Green, *Recovery* V. 285
Pugh v. Goodtitle, *Devise* VI. 169
—— v. Leeds, (Duke of) *Deed* IV. 59. 165
Pullen v. Middleton, *Alienation by Custom* V. 490
Pullerton v. Agnew, *Deed* IV. 92
Punsany v. Leader, *Prescription* III. 423
Purbeck's (Lord) Case, *Dignities* 148. 154
* Pure v. Sturdy, *Estate on Condition* II. 31
Purefoy v. Rogers, *Remainder* II. 271. 327. 329
——— ———, *Devise* VI. 378. 420
* ———, *Merger* 484

Vol. Page

* Purslow's Case, *Fine* V. 167
Pusey v. Pusey, *Estate in Fee* I. 46
Putten v. Purbeck, *Estate by Statute, &c.* II. 48
Pye v. Daubuz, *Estate Tail* I. 89
— v. Gorge, *Remainder* II. 286. 298. 310
* Pym v. Blackburn, *Jointure* I. 233
* Pyncent v. Pyncent, *Estate for Life* 107, 108
Pyne v. Dor, *id.* 128
Pynt v. Raymond, *Mortgage* II. 132
Pyot v. Pyot, *Devise* VI. 170

Q.

* Quarles v. Knight, *Mortgage* II. 199
* Queen v. Austen, *Merger* VI. 482
* ——— v. Hussey, *Dignities* III. 178
Quilter v. Mussendine, (Gilb. R. 229.) *Prescription* III. 455

R.

Raby v. Robinson, *Recovery* V. 349
* Rackstraw v. Vile, *Devise* VI. 406
Radcliffe v. D'Oyley, *Estate for Life* I. 132
Radnor v. Vandebendy, *Trust* 429. 432. 438. 441, 442
*———, *Mortgage* II. 181
*———, *Deed* IV. 452
Rag and Bowley's Case, *Fine* V. 91
Rakestraw v. Brewer, *Mortgage* II. 121

Vol. Page

Ramsden v. Hylton, *Deed* IV. 438
Rand v. Cartwright, *id.* 434
*Rancliffe v. Parkyns, *Devise* VI. 53
Randall v. Tuchin, *id.* 213. 216
Randoll v. Doe, *Remainder* II. 229
* Ranshaw v. Robottom, *Copyhold* I. 273
Rapley v. Chaplin, *Descent* III. 392
Rashley v. Master, *Devise* VI. 174
Ratcliff's Case, *Descent* III. 344. 378. 386
Ratcliffe's Case, *Recovery* V. 363
Rattle v. Popham, *Deed* IV. 206
Rawley v. Holland, *Use* I. 376
Rawlins v. Burgis, *Devise* VI. 103. 109
Rawlinson v. Green, *Alienation by Custom* V. 455
*——— v. Montague, (Duchess of) *Estate for Life* I. 113
Ray v. Pung, *Deed* IV. 135. 220
*———, *Merger* VI. 490
Rayson v. Sacheverel, *Mortgage* II. 107
———, *Fine* V. 174
Read and Morpeth v. Erington, *Use* I. 373
*———, *Recovery* V. 300
——— v. Nash, *Deed* IV. 169. 176
* ——— v. Snell, *Devise* VI. 147
——— v. Ward, *Reversion* II. 343
* Reading v. Royston, *Dignities* III. 209
———, *Prescription* 437
———, *Devise* VI. 125
* Read v. Farr, *Deed* IV. 73
Redshaw v. Governors of Bedford Level, *id.* 402

Vol. Page

* Reece v. Steel, *Devise* VI. 279
* Reed v. Blades, *Deed* IV. 424
——— v. Hatton *Devise* VI. 225
* Reeks v. Postlethwaite, *Mortgage* II. 118
Reeve v. Attorney-General, *Escheat* III. 400. 418
——— v. Long, *Remainder* II. 251—253
Reeves v. Gower, *Devise* VI. 222
——— v. Herne, *Condition* II. 15
——— v. Reeves, *Deed* IV. 443
Reid v. Shergold, *Devise* VI. 259
Reignolds v. Edwards, *Ways* III. 87
Ren v. Bulkeley, *Deed* IV. 235
* Rennell v. Bishop of Lincoln, *Advowson* III. 15
*Renvoize v. Cooper, *Devise* VI. 202
*Repington v. Governors of Falmouth School, *Advowson* III. 15
Reps v. Bonham, *Deed* IV. 283
Requishe v. Requishe, *Fine* V. 128
Reve v. Malster, *Descent* III. 392
* Rex v. Bower, *Offices* 109
— v. Budd, *Copyhold* I. 284
— v. Butler, *Franchise* III. 264
— v. Capper, *id.* 267
* ———, *King's Grant* V. 53
— v. Chester (Ep.), *id.* 58
— v. Delamotte, *Mortgage* II. 103
— v. Ferrybridge (Inhabitants of), *Tithes* III. 42
— v. Firebrace, *Recovery* V. 439
— v. Hendon (Lord of), *Copyhold* I. 296
— v. Hermitage (Inhabitants of), *Common* III. 82
*— v. Holland, *Trust* I. 412
— v. Hornchurch, *Copyhold* 263

Vol. Page

Rex v. Imber and Wilkin, *King's Grant* V. 56
— v. Kemp, *Officcs* III. 100
*————, *King's Grant* V. 58
*— v. Longnor, *Deed* IV. 28
— v. Lucas, *Copyhold* I. 261
— v. Mead, *Fine* V. 241
— v. Inhabitants of Merfield, *Tithes* III. 42
— v. Michener, *Estate in Fee* I. 60
— v. Minchinhampton, *Estate for Life* 116
— v. Rennett, *Copyhold* 267
— v. Rigge, *Alienation by Custom* V. 448
— v. Rochester, (Ep.), *King's Grant* 55
— v. Shelley, *Copyhold* I. 261
— v. Smith, *Deed* IV. 421
*— v. Stafford, *Devise* VI. 291
— v. Steward, *Franchise* III. 270
— v. Stone, *Estate at Will* I. 248
— v. Talbot, *Franchise* III. 250
— v. Trussel, *Advowson* 25
— v. Williams, *Joint Tenancy* II. 370
*— v. Wilson, *Deed* IV. 405
— v. Yale, *id.* 94
* Reynel's (Sir Geo.) Case, *id.* 61
————————, *Offices* III. 100
Reynish v. Martin, *Condition* II. 18
* Reynolds v. Pitt, *id.* 31
*————————, *Deed* IV. 73
*——— v. Torin, *Dower* I. 186
Reynoldson v. Perkins, *Mortgage* II. 198
Rich v. Beaumont, *Deed* IV. 141. 144
* Richardson v. Spragg, *Devise* VI. 147

Vol. Page

* Richardson v. Watson, *Devise* VI. 134
Richmond's (D. of) Case, *Deed* IV. 303
Ridout v. Payne, *Devise* VI. 219
* Riddell v. Jenner, *Copyhold* I. 287
Riddle v. White, *Private Act* V. 19
Rider v. Smith, *Ways* III. 90
—— v. Wager, *Mortgage* II. 137
————————, *Devise* VI. 93
Rigden v. Vallier, *Deed* IV. 257. 294. 297
* Right v. Banks, *Copyhold Heir* VI. 43
—— v. Bawden, *Trust* I. 398
* —— v. Beard, *Estate for Years* 243
* —— v. Compton, *Devise* VI. 227. 336
* —— v. Creber *id.* 283
—— v. Day, *id.* 147. 367, 368
—— v. Hammond, *id.* 158
—— v. Price, *id.* 48
—— v. Proctor, *Deed* IV. 56
—— v. Russell, *Devise* VI. 260
—— v. Sidebotham, *id.* 262
* —— v. Smith (12 East. 455.), *Use* I. 357
—— v. Thomas, *Deed* IV. 160. 172
Ripley v. Waterworth, *Estate for Life* I. 111. 113
————————, *Trust* 391
* ————————, *Tenancy in Common* II. 409
Risley v. Baltinglass, *Devise* VI. 107
Rivers's Case, *id.* 165
Rivett v. Godson, *Rents* III. 273
————————, *Deed* IV. 111
Roach v. Wadham, *id* 217. 382
* Roadley v. Dixon, *Dower* I. 186

Vol. Page

* Roberts v. Davey, *Deed* IV. 73
——— v. Dixall, *id.* 205
——— v. Dixwell, *Curtesy* I. 148
———————, *Trust* 408
———————, *Devise* VI. 309
——— v. Kingley, *Alienation by Custom* V. 470
——— v. Kingsly, *Deed* IV. 324
* —— v. Smith, *Dower* I. 186
Robins v. Crutchley, *id.* 155
Robinson v. Comyns, *Condition* II. 19
——— ———, *Recovery* V. 292. 309
——— v. Cumming, *id.* 388
* —— v. Davison, *Mortgage* II. 191
——— v. Hardcastle, *Deed* IV. 203
———————, *Devise* VI. 449, 450. 455
——— v. Hicks, *id.* 248. 251, 252, 253. 266. 326
——— v. Lytton, *Remainder* II. 317
———————, *Devise* VI. 427
——— v. Miller, *id.* 242
* —— v. Smith, *id.* 163
* Rochfort v. Belvedere, *Mortgage* II. 142
Rockey v. Huggens, *Copyhold* I. 282
Rockingham (Lord) v. Penrice, *Rents* III. 284
Roe v. Aistrop, *Recovery* V. 469
— v. Avis, *Devise* VI. 200. 236
*— v. Bacon, *id.* 216. 272
— v. Baldwere, *Copyhold* I. 274
———— ——, *Alienation by Custom* V. 479
* ————, *Merger* VI. 481. 491
Roe v. Blackett, *Devise* VI. 216. 261
— v. Bolton, *id.* 261
*— v. Briggs, *Merger* 467
— v. Clayton, *Devise* 352
*— v. Dawe, *id.* 227
*— v. Dunt, *Deed* IV. 241
*— v. Elliot, *Tenancy in Common* II. 405
————, *Fine* V. 248
— v. Ferrars, *Prescription* III. 438
— v. Fludd, *Devise* VI. 133
— v. Galliers, *Condition* II. 12
— v. Grew, *Devise* VI. 253. 301. 326, 327
— v. Griffits, *Alienation by Custom* V. 472
————, *Devise* VI. 106
— v. Harrison, *Condition* II. 9
————, *Deed* IV. 72
— v. Harvey, *Devise* VI. 178
— v. Helier, *Copyhold* I. 313
— v. Hicks, *id.* 307
————, *Devise* VI. 37
— v. Hodgson, *Deed* IV. 68
— v. Holmes, *Devise* VI. 260
— v. Hutton, *Copyhold* I. 317
— v. Ireland, *id.* 327
— v. Jeffery, *Alienation by Custom* V. 481
————, *Devise* VI. 373
— v. Jones, *id.* 28. 426
— v. Lees, *Estate at Will* I. 246
*— v. Loveless, *Devise* VI. 45
— v. Lowe, *id.* 42
— v. Mitton, *Deed* IV. 436
— v. Newman, *Copyhold* I. 261
— v. Parker, *id.* 266
————, *Descent* III. 393
*— v. Pattison, *Devise* VI. 217
— v. Popham, (Doug. 25.) *Use* I. 373. 375. 379

Vol. Page

Roe v. Popham, *Deed* IV. 131
*— v. Prideaux, *Power to Lease* IV. 169. 202
— v. Quartley, *Deed* 263
———— ————, *Devise* VI. 168
— v. Rashleigh, *Deed* IV. 48
*— v. Rawlings, *Power to Lease* 174
— v. Reade, *Devise* VI. 203, 204
*— v. Sales, *Estate on Condition* II. 9
— v. Soley, *Mortgage* 112
— v. Tranmer, *Remainder* 264
————————, *Deed* IV. 107. 250
*— v. Vernon, *Copyhold* I. 254. 257
————————, *Alienation by Custom* V. 452. 465
————————, *Devise* VI. 205. 241
— v. Wegg, *id.* 34
*————————, *Merger* 468
— v. Wicket, *Devise* 413
*— v. Wright, *id.* 215, 271
— v. York, (Archbishop of,) *Deed* IV. 86. 409
*Roebuck v. Dean, *Devise* VI. 340
*Rogers v. Bradley, *Copyhold* I. 265
———— v. Briggs, *Devise* VI. 271
* ———— v. Downs, *Merger* 484
———— v. Gibson, *Devise* 424. 444
———— v. Holled, *Advowson* III. 12
———— v. Skillicorn, *Trust* I. 452
*Rolfe v. Harris, *Estate on Condition* II. 31
*————————, *Deed* IV. 73
Rolles v. Mason, *Copyhold* I. 282
Rolt v. Somerville, *Estate for Life* 129

Vol. Page

*Romilly v. James, *Devise* VI. 234. 369
*Ronalds v. Feltham, *id.* 356. 359
Rook v. Clealand, *Reversion* II. 339
———— v. Worth, *Copyhold* I. 310
Rooke v. Rooke, *Devise* VI. 195
Roos Barony, Case of, *Dignities* III. 133. 194
Roper v. Hallifax, *Deed* IV, 234
———— v. Radcliffe, *Devise* VI. 74
Roscarrick v. Barton, *Mortgage* II. 198
Roscommon v. Fowke, *Deed* IV. 195
Rose v. Bartlett, *Devise* VI. 186—190. 193, 194
———— v. Calland, *Tithes* III. 57
———— v. Cunynghame, *Devise* VI. 63. 65
———— v. Hill, *id.* 340
* — v. Reynolds, *Jointure* I. 194
Rosewel's Case, *Deed* IV. 381
Ross v. Ewer, *id.* 191
———— v. Ross, *Estate Tail* I. 84
Rotherham v. Green, *Common* III. 81
Rous v. Artris, *Copyhold* I. 271
Routledge v. Dorril, *Deed* IV. 204. 350
Rowden v. Malster, *id.* 273
Rowe v. Power, *Dower* I. 170
————————, *Fine* V. 212. 248
Rudg v. Pincombe, *Deed* IV. 369
Rudstone v. Anderson, *Devise* VI. 112
*Rufford v. Bishop, *Mortgage* II. 152
Rumbold v. Rumbold, *Devise* VI. 205
Rundale v. Eeley, *id.* 276
*Ruscombe v. Hare, *Mortgage* II. 148
*Rushden's Case, *Rents* III. 304. 306

Vol. Page

Rushley v. Mansfield, *Fine* V. 254
Russel's (Lady) Case, *Offices* III. 105
Russell v. Darwin, *Deed* IV. 399. 401
* —— v. Long, *Devise* VI. 340
*Rust v. Whittle, *Fine* V. 179
Rutland's Case, *Estate for Life* I. 132
———— (E. of) Case, *Copyhold* 261
————————, *Fine* V. 166
———— (Countess of) Case, *Deed* IV. 120. 125
Ryal v. Ryal, *Trust* I. 393
*Ryder v. Wager, *Mortgage* II. 137

S.

Sabbarton v. Sabbarton, *Devise* VI. 406. 408. 418
Sacheverell v. Froggatt, *Rents* III. 279
*Sackett v. Bassett, (4 Mad. 58.) *Mortgage* II. 152
Saffin's Case, *Estate for Years* I. 227
————————, *Fine* V. 182. 224. 227
* St. Alban's (Sir J.) Case, *Recovery* 350
———— (D. of) v. Shore, *Estate on Condition* II. 28
*St. Andrew's v. St. Bride's, *Bastardy* III. 230
* St. George, ex parte, *Fine* V. 119
St. John v. Holford, *Mortgage* II. 106
——— v. Turner, *id.* 114
———— ——, *Fine* V. 252

Vol. Page

*St. John v. Winton, (Ep.) *Devise* VI. 183. 185
St. Paul v. Dudley & Ward, *Copyhold* I. 259. 325
*————————————, *Trust* 420
*————————————, *Merger* VI. 467, 468
*Sale v. Moore, *Devise* 161
Salford's Case, *Estate in Fee* I. 67
Salisbury's (Lord) Case, *Copyhold* 313
———— (Bp. of) Case, *Offices* III. 95
———— v. Phillips, *Advowson* 19
Salisbury v. Bagot, *Fine* V. 179
———— v. Hurd, *Copyhold* I. 285. 287
* ——— v. Lambe, *Devise* VI. 340
Salmon v. Swann, *Estate for Years* I. 236. 238
* ————————, *Merger* VI. 468. 471
Salter v. Boteler, *Rents* III. 289
Salter v. Butler, *Estate for Life* I. 112
————————, *Rents* III. 293
Salvin v. Clerk, *Fine* V. 203
—— v. Thornton, *Recovery* 388
Samborne v. Belke, *id.* 279
Sammes's Case, *Joint Tenancy* II. 368
————————, *Deed* IV. 131. 272
Samon v. Jones, *id.* 107
* Sampson v. Sampson, *Devise* VI. 205
Samuel v. Evans, *Private Act* V. 3
Sands's (Sir Geo.) Case, *Escheat* III. 415
Sanford v. Irby, *Devise* VI. 388
——— v. Stevens, *Copyhold* I. 281

Vol. Page

Sands v. Dixwell, *Deed* IV. 329
—— v. Drury, *Copyhold* I. 265
—— v. Hempston, *id.* 279
Sandys v. Oliff, *Common* III. 84
Sangon v. Williams, *Estate Tail* I. 84
* Sansom v. Goode, *Statute Merchant* II. 43
Sargeson v. Cruise, *Mortgage* 155
* Sarth v. Blanfrey, *Deed* IV. 226
Sarum (Ep.) v. Philips, *Advowson* III. 19
Saunders's Case, *Estate for Life* I. 118
Saunders v. Bournford, *Estate for Years* 241
* ——————, *Merger* VI. 493
——— v. Dehew, *Trust* I. 428
——— v. Owen, *Offices* III. 95
Savage's Case, *Copyhold* I. 290
————, *Offices* III. 95. 102
* Savage v. Carroll, *Deed* IV. 231
Savil v. Savil, *Devise* VI. 427
Savile v. Blacket, *Recovery* V. 390
Saville's Case, *Estate Tail* I. 74
Saville v. Saville, *Mortgage* II. 131. 133
Sawbridge v. Benton, *Tithes* III. 51
Sawle v. Clearke, *Fine* V. 203
Sawyer's Case, *Common* III. 84
Say v. Barwick, *Deed* IV. 412
—— v. Smith, *Fine* V. 112, 113
* Say and Sele, Barony of, *Dignities* III. 142. 220
———— (Lord) v. Jones, *Trust* I. 385. 388
————, *Deed* IV. 312
———— *Devise* VI. 312
Sayer v. Masterman, *id.* 276. 315. 320
Sayle v. Freeland, *Mortgage* II. 199
————, *Deed* IV. 191

Vol. Page

Scatterwood v. Edge, *Remainder* II. 224
————, *Devise* VI. 442. 448
* Scawen v. Blunt, *id.* 29. 424
Scholes v. Hargreaves, *Common* III. 67
Scot v. Bell, *Deed* IV. 438
Scott v. Ayrey, *Tithes* III. 59. 62. 63
—— v. Fenhoullet, *Trust* I. 424
* ————, *Merger* VI. 469
—— v. Kettlewell, *Copyhold* I. 267
—— v. Scholey, *Estate by Statute, &c.* II. 54
—— v. Scott, *Devise* VI. 126. 426
—— v. Tyler, *Condition* II. 21
Scrafton v. Quincey, *Deed* IV. 448
Scroope v. Scroope, *Trust* I. 400
Scrope's Case, *Deed* IV. 197
Seagood v. Hone, *Alienation by Custom* V. 466
——— v. Meale, *Deed* IV. 35. 40
* Seagrave v. Seagrave, *Jointure* I. 209
* Sear v. Ashwell, *Deed* IV. 435
——— v. Trinity College, *Tithes* III. 44
Seaton v. Henson, *Deed* IV. 408
Seaward v. Willock, *Devise* VI. 149. 297
* Sedgwick v. Hargrave, *Fine* V. 179
* Selby v. Alston, *Merger* VI. 496
* Selkrigg v. Davies, *Tenancy in Common* II. 410
Selwyn v. Selwyn, *Recovery* V. 321
————, *Devise* VI. 27, 28. 98
Semaine v. Selwin, *id.* 37
Senhouse v. Christian, *Ways* III. 86
* ——— v. Earl, *Estate for Life* I. 108
Sergeson v. Sealey, *Jointure* 205
* ————, *Deed* IV. 226. 228

Vol. Page
Serle v. St. Eloy, *Mortgage* II. 125, 126. 134
Seton v. Sinclair, *Fine* V. 113
Sevier v. Greenway, *Mortgage* II. 78
Seymor's Case, *Estate Tail* I. 79. 81
———, *Use* 352
———, *Deed* IV. 112
———, *Fine* V. 212. 218
* Seymor v. Northwortly, *Devise* VI. 75
Seymour v. Barker, *Fine* V. 81. 97
Seyntloo's Case, *Deed* IV. 420
Shafto v. Shafto, *Mortgage* II. 139
* Shaftsbury (Lady) v. Arrowsmith, *Estate for Life* I. 108
Shailard v. Baker, *Devise* VI. 224
Shakespear v. Peppin, *Common* III. 79
Shallcross v. Finden, *Devise* VI. 355
Shannon v. Bradstreet, *Deed* IV. 228
Shapland v. Ridler, *Copyhold* I. 270
——— v. Smith, *Trust* 388
———, *Devise* VI. 313
Sharington v. Strotton, *Deed* IV. 108
———, *Recovery* V. 409
* Sharp v. Sharp, *Devise* VI. 217
Sharpe v. Rhoade, *Estate by Statute, &c.* II. 45
Shaw v. Bull, *Devise* VI. 218
* —— v. Pritchard, *Deed* IV. 13
—— v. Weigh, *Devise* VI. 228. 246. 300
* Shears v. Rogers *Fraudulent Conveyance* IV. 427
Sheath v. York, *Devise* VI. 92
Sheddon v. Goodrich, *id.* 20
Sheepshanks v. Lucas, *Recovery* V. 328. 425
Sheffield v. Orrery (Lord), *Devise* VI. 449
Vol. Page
* Sheffield v. Ratcliffe, *Dignities* III. 179
———, *Recovery* V. 375. 378
Shelburne v. Biddulph, *Reversion* II. 360
* ———, *Merger* VI. 482. 494
Shelley's Case, *Mortgage* II. 171
———, *Remainder* 208. 332
———, *Deed* IV. 305. 310; 311. 325
———, *Recovery* V. 321. 326, 327. 333. 365
———, *Devise* VI. 275. 277. 281. 284. 289, 290. 292. 308. 313—315. 318—322. 325. 328
Shelley v. Earsfield, *Deed* IV. 305
——— v. Wright, *id.* 264
Shelton's Case, *id.* 29
Shephard v. Newland, *Devise* VI. 210
* Shepherd v. Titley, *Mortgage* II. 174
Sheppard v. Gibbons *Devise* VI. 337
* ——— v. Lessingham, *id.* 402
* Shergold v. Boone, *id.* 340
Sherlock's Case, *Fine* V. 128
Sherly v. Fagg, *Trust* I. 404. 426
Shields v. Atkyns, *Fine* V. 254
Shires v. Glascock, *Devise* VI. 53
Shirly v. Watts, *Mortgage* II. 105
Shirt v. Carr, *Advowson* III. 5
Short v. Smith, *Devise* VI. 86
Shortridge v. Lamplugh, *Deed* IV. 115, 116
* Shove v. Pincke, *id.* 251
———, *Devise* VI. 94
Shrewsbury's (Lady) Case, *Estate at Will* I. 244
——— (E. of,) Case, *Offices* III. 105. 113

Vol. Page

Shrewsbury v. Shrewsbury, *Estate Tail* I. 75
*———, *Trust* 420
*———, *Merger* VI. 498
Shulter's Case, *Deed* IV. 26
Shury v. Piggott, *Ways* III. 90
Shute v. Shute, *Dower* I. 156
Shuttleworth v. Garnet, (3 Mod. 240.) *Copyhold* 303
——— v. Laycock, *Mortgage* II. 106
*Sidney's (Sir John Shelley) Case, *Dignities* III. 138. 141
Sidney v. Shelley, *Trust* I. 395
——— v. Sidney, *Jointure* 194. 209
*Silcocks, in re, *Estate Tail* 98
*Silvester v. Jarman, *Devise* VI. 204
——— v. Wilson, *Trust* I. 388
———, *Devise* VI. 313
Simcox Demand. *Recovery* V. 359
*Simeon v. Simeon, *Deed* IV. 193
Simmond's Case, *Recovery* V. 380
Simms v. Bennett, *Tithes* III. 39
*Simpson v. Gutteridge, *Jointure* I. 202
*——— v. Vickers, *Devise* VI. 414
——— v. Walker, *id.* 105
Sims v. Doughty, *id.* 149
Skinner v. Laud, *Recovery* V. 355
Skipwith v. Green, *Deed* IV. 257
Slatter v. Norton, *Devise* VI. 112
*Slingsby's Case, *Offices* III. 116
———, *Deed* IV. 370
Slocomb v. Hawkins, *id.* 166
Slocombe v. Glubb, *id.* 16
*Sloper v. Fish, *Estate by Statute, &c.* II. 45
Smales or Small v. Dale, *Coparcenary* 392
———, *Tenancy in Common* 402

Vol. Page

Smales or Small v. Dale, *Descent* III. 345
Smart v. Prujean, *Devise* VI. 65
Smartle v. Penhallow, *Copyhold* I. 277
——— v. Scholar, *Devise* VI. 164
——— v. Williams, (1 Salk. 245.) *Mortgage* II. 81
Smith v. Angel, *Reversion* 338
—— v. Ashton, *Deed* IV. 230
—— v. Baker, *Trust* I. 398
—— v. Clay, *Prescription* III. 459
—— v. Clyfford, *Recovery* V. 399
—— v. Coffin, *Devise* VI. 217
* — v. Compton, *Deed* IV. 384
* — v. Cooke, *Estate for Life* I. 107
—— v. Dean and Chapter of St. Paul's, *Recovery* V. 440
* — v. Death, *Deed* IV. 186. 237
—— v. Evans, *Devise* VI. 48
* — v. Farnaby, *Recovery* V. 374
—— v. Feverell, *Common* III. 74
—— v. French, *Trust* I. 455
—— v. Garland, *Deed* IV. 431
—— v. Havens, *Devise* VI. 274
* — v. Horlock, *id.* 330. 340
—— v. How, *Common* III. 78
—— v. Johnson, *Deed* IV. 295
—— v. Kemp, *Franchise* III. 263
* — v. Malings, *Rents* 297
—— v. Mapleback, *Deed* IV. 85
—— v. Martin, *id.* 267
—— dem. Dormer v. Packhurst, *Remainder* II. 211. 307
——— ———, *Fine* V. 248
——— ———, *Recovery* 277. 290
—— v. Parker, *Reversion* II. 356. 358

Vol. Page

*Smith v. Parks, *Condition* II. 31
—— v. Risley, *Deed* IV. 110
* —— v. Smith, *Jointure* I. 200
*——————, *Tenancy in Common* II. 410
—— v. Stapleton, *Fine* V. 165, 166
—— v. Tyndal, *Descent* III. 314
——————, *Devise* VI. 225
—— v. Triggs, *id.* 124
—— v. Warren, *Remainder* II. 281
—— v. Wheeler, *Deed* IV. 241. 407
—— v. Williams, *Tithes* III. 42
—— v. Wyatt, *id.* 39
Smithe, v. Abell, *Fine* V. 220
Smithley v. Chomley, *Advowson* III. 15
*Smyth, ex parte, *Rents* 310
*Smythe v. Smythe, *Estate for Life* I. 128
*Snag's Case, *Trust* 404
Snag v. Fox, *Copyhold* 305
Snape, v. Tourton, *Deed* IV. 136
*Sneed v. Sneed, *id.* 227
Snell v. Clay, *Trust* I. 442
Snowe v. Cuttler, *Remainder* II. 246
——————, *Devise* VI. 377
Soane v. Ireland, *Tenures* I. 34
——————, *Franchise* III. 257. 267
Soby v. Molins, *Estate for Life* I. 117
——————, *Tithes* III. 41
Solly v. Whitfield, *Fine* V. 176
Solme v. Bullock, *Common* III. 71
Some v. Taylor, *Deed* IV. 267
*Somerset's, Duchess of, Case, *Jointure* I. 190
*Somerset, Dukedom of, *Dignities* III. 220
* ——, D. of, v. Fogwell, *King's Grant* V. 55

Vol. Page

Somerset v. France, *Copyhold* I. 297
Somerville v. Lethbridge, *Devise* VI. 151
Sonday's Case, *id.* 242
Sonley v. Clockmaker's Company, *Trust* I. 404
* Soresby v. Hollins, *Mortmain* VI. 16
Soule v. Gerrard *Devise* 144
South v. Alleyne, *Trust* I. 385
Southampton v. Hertford, *Devise* VI. 463
Southby v. Stonehouse, *id.* 411
Southcot v. Stowel, *Deed* IV. 285
——————, *Devise* VI. 304
Southern v. Bellasis, *Rents* III. 283
Southwell v. Wade, *Escheat* 399
Sowarsby v. Lacey, *Trust* I. 454
*——————, *Devise* VI. 362
Spalding v. Shalmer, *Trust* I. 450
——— v. Spalding, *Devise* VI. 141. 379
Sparrow v. Hardcastle, *id.* 93. 102. 106
——— v. Shaw, *id.* 245. 298
Specot's Case, *Advowson* III. 22
Spencer's Case, *Deed* IV. 371—373
Spencer v. Boyes, *id.* 382
——— v. Marlborough, (Duke of) *id.* 332. 346. 350
Spirt v. Bence, *Devise* VI. 260
Spragge v. Stone, *id.* 89
Sprange v. Barnard, *Deed* IV. 191
*——————, *Devise* VI. 161
Spring v. Biles, *Deed* IV. 209. 210
—— v. Ceasar, (1 Roll. Ab. 415. pl. 12.) *Remainder* II. 265
Spurgeon v. Collier, *Mortgage* 71
——————, *Deed* IV. 437
Spurrier v. Fitzgerald, *id.* 43
* Spyve v. Topham, *id.* 250

Vol. Page

Squib v. Wyn, *Estate for Years* I. 229
Squire v. Compton, *Trust* 442
Stafford's (Lord) Case, *Remainder* II. 239
Stafford v. Buckley, *Estate Tail* I. 73
*———, *Rents* III. 293
——— (Lady) v. Llewellin, *Trust* I. 415
——— v. Selby, *Mortgage* II. 93
* —— v. Wentworth, *Rents* III. 284
Staines v. Morris, *Deed* IV. 392
Stamford v. Hobart, *Remainder* II. 295
———, *Devise* VI. 307
Stammers v. Dixon, *Copyhold* I. 264
Standen v. Bullock, *Deed* IV. 426 431
——— v. Standen, *id.* 198
Stanford's Case, *Fine* V. 196
Stanhope v. Manners, *Mortgage* II. 151
——— v. Thacker, *Recovery* V. 444
——— v. Verney, *Mortgage* II. 186
* Staniforth v. Fox, *Deed* IV. 56
Stanley v. Leigh, *id.* 336
———, *Devise* VI. 416
——— v. Leonard, *id.* 247
——— v. Stanley, *Remainder* II. 266
Stanton v. Barnes, *Copyhold* I. 277, 278
———, *Alienation by Custom* V. 490
——— v. Sadler, *Mortgage* II. 172
Stapilton v. Stapilton, *Deed* IV. 123
Staplehill v. Bully, *id.* 126. 442
Staples v. Maurice, *id.* 290
Stapleton's Case, *Dignities* III. 202
Staunton v. Peck, *Devise* VI. 350

Vol. Page

Stead v. Izard, *Fine* V. 119
Stedman v. Palling, *Curtesy* I. 145
Steed v. Courtney, *Fine* V. 137
* Steele v. Mans, *Tithes* III. 55
——— v. Wright, *Rents* 300
Stephens v. Bailey, *Escheat* 419
*——— v. Bridges, *Estate for Years* I. 240
———, *Deed* IV. 87
* ———, *Merger* VI. 476
*——— v. Brittridge. (*See* Stevens v. Brittridge).
——— v. Eliot, *Deed* IV. 29
——— v. Olive. *id.* 427. 438
——— v. Stephens, *Devise* VI. 371. 416. 421, 422. 424
——— v. Wall, *Advowson* III. 25
Stephenson v. Heathcote, *Estate in Fee* I. 60
———, *Devise* VI. 154
——— v. Hill, *Copyhold* I. 254. 257. 258
Sterling v. Penlington, *Tenancy in Common* II. 408
* Sterne, ex parte, *Estate for Life* I. 103
———, *Deed* IV. 325
Stevens, v. Austin, *Common* III. 67
* ——, v. Brittridge, *Estate for Years* I. 239
* ———, *Deed* IV. 308
* ———, *Merger* VI. 470. 480
——— v. Tyrell, *Alienation by Custom* V. 451
——— v. Winning, *Fine* 166
* Stevenson v. Lambard, *Rents* III. 304
* Steward v. Lombe, *Deed* IV. 424
* Stewart v. Garnett, *Devise* VI. 176

Vol. Page

Stile v. Miller, *Tithes* III. 38
Stileman v. Ashdown, *Trust* I. 400
———————, *Deed* IV. 438
Stiles v. Cowper, *id.* 71
Stirling v. Lidiard, *Devise* VI. 112
Stocker v. Berney, *Prescription* III. 436
* Stockman v. Whither, (1 Roll. Rep. 86), *Estate for Life* I. 131
* Stockwell v. Terry, *Tithes* III. 55
Stoke v. Pope, *Deed* IV. 265
Stokes v. Moore, *id.* 35
—— v. Oliver, *Recovery* V. 349. 427
* —— v. Russell, *Merger* VI. 492
Stone v. Grubbam, *Deed* IV. 424
*—— v. Maule, *Devise* VI. 406
*—— v. Newnham, *Dignities* III. 165
Stonehewer v. Thompson, *Mortgage* II. 105
Stonehouse v. Evelyn, *Devise* VI. 49
Stones v. Hartley, *id.* 338
Stork v. Fox, *Fine* V. 135
Stoughton v. Leigh, *Dower* I. 161. 171
Stowell's (Lady) Case, *id.* 155
Stowell v. Zouche, *Prescription* III. 433
———————, *Fine* V. 196. 201. 205. 207, 208. 225. 246
Strachy v. Francis, *Estate for Life* I. 131
Strafford v. Wentworth, *Rents* III. 284
Strahan v. Sutton, *Dower* I. 185. 196
Strange Barony, Case of, *Dignities* III. 211
Strangeways v. Newton, *Remainder* II. 278. 280

Vol. Page

Stratfield v. Dover, *Recovery* V. 417
*Strathallen, Viscounty of, *Dignities* III. 157
Strathmore v. Bowes, *Estate for Life* I. 129
———————, *Deed* IV. 407. 414
———————, *Devise* VI. 115. 120, 121
Stratton v. Best, *Joint Tenancy* II. 368
———————, *Deed* IV. 288
Streatfield v. Streatfield, *id.* 316
———————, *Devise* VI. 17. 20
Strilley's Case, *Fine* V. 141
Stringer v. New, *Descent* III. 383
——— v. Phillips, *Devise* VI. 340, 341
Strode v. Blackburne, *Estate for Life* I. 107.
——— v. Parker, *Mortgage* II. 151
——— v. Russell, *Devise* VI. 201
Strong v. Teat, *id.* 199
Strutt v. Baker, *Tithes* III. 61
*Stuart v. Bute (M. of) *Tenancy in Common* II. 410
* —— v. Tucker, *Offices* III. 117
Sturgion v. Painter, *Deed* IV. 56
Styant v. Staker, *Common* III. 83
Sumner v. Partridge, *Curtesy* I. 148
Sunie v. Howes, *Fine* V. 209
Surman v. Barlow, *Mortgage* II. 196
Sussex v. Temple, *Joint Tenancy* II. 368
——— v. Wroth, *Deed* IV. 165
Sutton's Case, *Offices* III. 100. 104
Sutton v. Moody, *Franchise* 249
——— v. Rolfe, *Tenancy in Common* II. 409
——— v. Stone, *Estate Tail* I. 80

Vol. Page

Sutton v. Stone, *Mortgage* II. 197
———, *Alienation by Custom* V. 468
—— v. Sutton, *Devise* VI. 86
*Swaine v. Burton, *id.* 126. 329
—— v. Kennerley, *id.* 166
Swann v. Broome, *Recovery* V. 329
Swannock v. Lifford, *Trust* I. 430. 442
Swanton v. Raven, *Deed* IV. 129
Swayne's Case, *Common* III. 72
Sweetapple v. Bindon, *Curtesy* I. 147
———, *Mortgage* II. 97
———, *Devise* VI. 284
Swift v. Gregson, *Deed* IV. 209
—— v. Roberts, *Devise* VI. 30
Swyft v. Eyres, *Deed* IV. 270
Sydney Barony, Case of, *Dignities* III. 193. 215
Sym's Case, *Deed* IV. 362
Symance v. Tattam, *Remainder* II. 294
Symmes v. Symonds, *Mortgage* 158
Symonds v. Cudmore, *Reversion* 360
———, *Fine* V. 124. 168
* ———, *Merger* VI. 482. 494
——— v. Gibson, *Offices* III. 111
*Sympson v. Hornby, *Dower* I. 186
Symson v. Turner, *Recovery* V. 412

T.

* T —— (Lord) v. Barton, *Merger* VI. 470
*Tabor v. Tabor, *Mortgage* II. 155
Talbot's Case, *Rents* III. 303

Vol. Page

Talbot v. Tipper, *Deed* IV. 175
Taltarum's Case, *Recovery* V. 307. 362. 364. 376
Tamworth v. Ferrers, *Estate for Life* I. 129
Tanfield v. Rogers, *Tenures* 31
* ———, *Rents* III. 276
———, *Deed* IV. 266
*Tankerville (E. of) v. Coke, *id.* 156
——— v. Fawcett, *Mortgage* II. 142
Tanner v. Wise, *Devise* VI. 218
Tapner v. Marlott, *Deed* IV. 258
Tarback v. Marbury, *id.* 424. 432
Target v. Gaunt, *Devise* VI. 402. 404
Targus v. Puget, *Deed* IV. 248
Tasburg v. Echlin, (2 Br. P. C. 265.) *Mortgage* II. 76
Taster v. Marriott, *Trust* I. 397
Tate v. Morgan, *Mortgage* II. 146
Tatem v. Chaplin, *Deed* IV. 372
Taverner v. Cromwell, *Copyhold* I. 262. 318. 390
———, *Descent* III. 390
Tawney v. Crowther, *Deed* IV. 36
Taylor v. Biddall, *Devise* VI. 370. 372
—— v. Clarke, *id.* 404
—— v. Horde, *Tenancy in Common* II. 407
———, *Prescription* III. 441. 443
———, *Deed* IV. 50. 261
———, *Fine* V. 120
———, *Recovery* 293
* — v. Sayer, *Merger* VI. 468
—— v. Taylor, (1 Atk. 386.) *Trust* I. 399
—— v. Vale, *Deed* IV. 100
—— v. Wheeler, *Mortgage* II. 168

Vol. Page

Taylor v. Wheeler, *Alienation by Custom* V. 462
—— v. Whitehead, *Ways* III. 89
*Tempest v. Rawling, *Deed* IV. 58
Temple v. Chandos, *Devise* VI. 110
Tendril v. Smith, *id.* 204
*Tenny v. Agar, *id.* 237. 373
* —— v. Jones, *Reconveyance presumed* I. 415
Tew v. Winterton, *Jointure* 206
Tey's Case, *Fine* V. 73. 99
Theebridge v. Kilburne, *Deed* IV. 328
Thellusson v. Woodford, *id.* 339, 340
——————, *Devise* VI. 15. 17. 401. 430
Theobalds v. Duffay, *id.* 425
Thomas v. Britnell, *id.* 356
* —— v. Evans, *id.* 82
—— v. Howell, *Condition* II. 27
—— v. Kemeys, *Estate in Fee* I. 56
——————, *Estate for Years* 240
* ——————, *Merger* VI. 498
—— v. Pledwell, *Estate by Statute* II. 44
—— v. Popham, *Deed* IV. 102
—— v. Porter, *Copyhold* I. 321
* —— v. Thomas, *Deed* IV. 210
——————, *Devise* VI. 154
Thomasin v. Mackworth, *Fine* V. 188
Thompson v. Attfield, *Deed* IV. 48
* —— v. Grant, *Devise* VI. 204
—— v. Lawley, *id.* 193
—— v. Leach, *Remainder* II. 270
——————, *Deed* IV. 9. 17. 84. 405
Thomson v. Trafford, *id.* 63
*Thorn v. Newman, *Jointure* I. 238

Vol. Page

*Thorn v. Woollcombe, *Merger* VI. 470. 474. 492
*Thornborough v. Baker, *Mortgage* 155
Thorne v. Thorne, *id.* 101
Thornhill v. Evans, *id.* 152
* Thornton v. Dixon, *Tenancy in Common* 409
Thoroughgood's Case, *Deed* IV. 26. 47. 410
Thorowgood v. Collins, *Devise* VI. 336
Thorp v. Bendlowes, *Tithes* III. 44
*Thorpe v. Goodall, *Deed* IV. 237
—— v. Thorpe, *id.* 245
Thrustout v. Cunningham, *Alienation by Custom* V. 472
——————, *Devise* VI. 36
—— v. Peake, *Use* I. 375
——————, *Recovery* V. 292
Thruxton v. Attorney-General, *Trust* I. 426
——————, *Escheat* III. 400. 416
* ——————, *Merger* VI. 481
Thunder v. Belcher, *Mortgage* II. 83
Thurban v. Pantry, *Recovery* V. 355
Thurman's Case, *Deed* IV. 274
Thursby v. Plant, *id.* 376
Thwaites v. Dye, *id.* 205, 206
*Thynne v. Thynne, *Recovery* V. 340
*Tibbit v. Tibbit, *Devise* VI. 163
Tickner v. Tickner, *id.* 108
Tiffin v. Tiffin, *Trust* I. 421
Tilbury v. Barbutt, *Devise* VI. 239
Timewell v. Perkins, *id.* 182. 208
Timmins v. Rowlinson, *Estate at Will* I. 251
Tinney v. Tinney, *Jointure* 191. 192
——————, *Deed* IV. 254

Vol. Page
Tippin's (Sir T.) Case, *Deed* IV. 307
Tippin v. Coson, *Use* I. 372
Tipping v. Piggot, *Remainder* II. 288. 291. 310
Tisdale v. Essex, *Deed* IV. 55
Titley v. Davis, *Mortgage* II. 112
*Tollet v. Tollet, *Jointure* I. 205
———, *Deed* IV. 225
*Tolson v. Kaye, *Prescription* III. 432
Tomkins v. Tomkins, *id.* 165. 355
Tomlinson v. Dighton, *Deed* IV. 195. 210
———, *Devise* VI. 209. 256
Tong v. Robinson, *Reversion* II. 356
———, *Advowson* III. 9, 10
Tooker v. Squier, *Deed* IV. 54
Toovey v. Bassett, *Devise* VI. 228
Torret v. Frampton, *id.* 336
Tottersall's Case, *Franchise* III. 268
*Toulmin v. Steere, *Mortgage* II. 170
*Tourle v. Rand, *Estate for Life* I. 107, 108
———, *Mortgage* II. 164
Towers v. Davys, *Jointure* I. 206
*Townley v. Bedwell, *Dower* 167
——— v. Gibson, *Private Act* V. 13
*Townsend v. Champernown, *Trust* I. 445, 446
*——— v. Devaynes, *Tenancy in Common* II. 410
——— v. Lawton, *Remainder* 293
——— v. Wilson, *Deed* IV. 193
——— (Lord) v. Windham, Ash, *Fine* V. 122. 133
Townson v. Tickell, *Deed* IV. 405
——— ———, *Devise* VI. 134
Tracy v. Hereford, *Estate for Life* I. 106
Tracy v. Lethieulier, *Remainder* II. 217. 220, 221
Trafford v. Ashton, *Deed* IV. 137
*———, *Devise* VI. 169
Travel's (Lady) Case, *Deed* IV. 141
Travel v. Danvers, *Trust* I. 460
Tregame v. Fletcher, *Deed* IV. 121
Tregare v. Gennys, *Fine* V. 142
Trelawney v. (Ep.) Winton *Offices* III. 96
Trenchard v. Hoskins, *Deed* IV. 377
*Trent v. Hanning, *Devise* VI. 228
——— v. Trent, *id.* 158
Treport's Case, *Deed* IV. 67
*———, *Merger* VI. 475. 477. 487
Trevor's Case, *Offices* III. 109
Trevor v. Trevor, *Deed* IV. 313
———, *Fine* V. 256
Trewen v. Relfe, *Joint Tenancy* II. 389
Tribourg v. Lord Pomfret, *Mortgage* 112
Trimmer v. Jackson, *Devise* VI. 62
Trinity College v. Brown, *Copyhold* I. 305
Tristram v. Baltinglass, *Deed* IV. 159
*Tritton v. Foote, *id.* 400, 401
*Trollope v. Linton, *id.* 16
Trott v. Dawson, *Trust* I. 457
——— v. Vernon, *Devise* VI. 355
*Trotter v. Oswald, *id.* 406
*——— v. Williams *id.* 340
Troughton v. Troughton, *Mortgage* II. 107
Troward v. Calland, *Advowson* III. 8
Trowel v. Castle, *Deed* IV. 407
*Tucker v. Sanger, *id.* 204
——— v. Thurstan *Mortgage* II. 95
———, *Deed* IV. 461
Tuckfield v. Buller, *Tenancy in Common* II. 413

Vol. Page

Tuffnell v. Page, *Devise* VI. 40. 69. 212
Turke v. Trencham, *id.* 242
Turkerman v. Jeoffrys, *id.* 330. 340
Turner's Case, *Reversion* II. 343
Turner v. Buck, *Estate for Life* I. 121
—— v. Crane (I. Vern. 170 n.) *Mortgage* II. 149
—— v. Hodges, *Copyhold* I. 284
——, *Escheat* III. 417
—— v. Husler, *Devise* VI. 188
—— v. Richmond, *Mortgage* II. 188
—— v. Turner, *Recovery* V. 340
—— v. Vaughan, *Deed* IV. 418
Turney v. Sturges, *Dower* I. 170
Turnman v. Cooper, *Deed* IV. 275
Turther's Case, *id.* 76
Turton v. Benson, *id.* 416
Tweddell v. Tweddell, *Mortgage* II. 142
Tweedale v. Coventry, *id.* 127
——, *Reversion* 358
Twisden v. Lock, *Deed* IV. 302
* Twynam v. Pickard, *Estate on Condition* II. 35
* Twyne's Case, *Reversion* 351
——, *Deed* IV. 424. 431. 433, 434
* Tylden v. Hyde, *Devise* VI. 362
* Tyler v. Lake, *Extinguishment* 497
Tynt v. Raymond, *Mortgage* II. 131
Tyrconnel v. Ancaster, (D. of) *Deed* IV. 151. 154. 156
Tyrrel's Case, *Trust* I. 381
——, *Deed* IV. 112
Tyrringham's Case, *Tithes* III. 72
Tyte v. Willis, *Devise* VI. 238

Vol. Page

U.

Udall v. Udall, *Remainder* II. 313, 314
Underhill v. Kelsey, *Copyhold* I. 313
Upton v. Bassett, *Deed* IV. 433
—— v. Dawkin, *Franchise* III. 263
Urmston v. Pate, *Deed* IV. 390
* Uthwatt v. Bryant, *Devise* VI. 216. 271
* Utterson v. Utterson, *id.* 122
Uvedale v. Ettrick, (2 Cha. Ca. 130.) *Trust* I. 460
—— v. Halfpenny, *Deed* IV. 248
——, *Devise* VI. 142
—— v. Uvedale, *Estate for Life* I. 123
——, *Remainder* II. 216

V.

* Vale and ors. Vouchees, *Fine* V. 131
Vale v. Priour, *Offices* III. 99
Valentine v. Penny, *Common* 71
Vane v. Lord Bernard, *Estate for Life* I. 129
* —— v. Lord Dungannon, *Deed* IV. 241
—— v. Fletcher, *Alienation by Custom* V. 474
Vaughan v. Atkins, *Copyhold* I. 285. 288
——, *Alienation by Custom* V. 458
—— v. Holdes, *Deed* IV. 47
Vaux v. Jefferen, *Offices* III. 114
Vavisor's Case, *Deed* IV. 126
Vawser v. Jeffrey, *Devise* VI. 94. 103. 109

Vol. Page
Veizey v. Pinwell, *Devise* VI. 425
Ven v. Howell, *Copyhold* I. 275. 277
Venables v. Morris, *Trust* 382, 383
———————, *Deed* IV. 219. 311, 312
Vernon's Case, *Jointure* I. 187. 190. 192, 193
Vernon v. Bethell, *Mortgage* II. 158
——— v. Herbert, *Recovery* V. 365
——— v. Jones, *Devise* VI. 110
* ——— v. Vernon, *Jointure* I. 205
———————, *Rents* III. 308, 309
* ———————, *Devise* VI. 162
* Verrior v. Mayor of Sandwich, *Offices* III. 115
Vick v. Edwards, *Remainder* II. 330. 333
———————, *Devise* VI. 229
Villareal v. Galway, *Dower* I. 181. 186
Villers v. Hanley, *Reversion* II. 338
Villiers v. Beaumont, *Deed* IV. 435
———————, *Recovery* V. 410
Vincent v. Ennys, *Deed* IV. 235
Vintner's Case, *Offices* III. 104
Vizard v. Longdale, *Jointure* I. 192. 194, 195
* Voux v. Gleas, *Fine* V. 179

W.

Waddy v. Newton, *Fine* V. 135
Wade's Case, *Mortgage* II. 65
———————, *Alienation by Custom* V. 462
* Wade v. Bache, *Mortgage* II. 210
* ——— v. Paget, *Jointure* I. 205
———————, *Trust* 413
* ———————, *Merger* VI. 496
* Wadman v. Calcraft, *Condition* II. 31
* Wadman v. Calcraft, *Forfeiture* IV. 73
Wafer v. Mocato, *Condition* II. 31
Wagstaff v. Wagstaff, *Trust* I. 382
———————, *Deed* IV. 195
———————, *Devise* VI. 67, 68
* Wainewright v. Elwell, *Copyhold Heir* 43
Wake v. Wake, *Dower* I. 185, 186
Wakefield v. Hodgeson, *Fine* V. 92
Wakeford's Case, *Copyhold* I. 325
Wakeman v. Duchess of Rutland, *Deed* IV. 389
Waker v. Snowe, *Use* I. 378
———————, *Deed* IV. 263. 312
* Waldo v. Martin, *Offices* III. 111
Waldron v. Roscarriot, *Fine* V. 135
Walker v. Burrows, *Deed* IV. 427
——— v. Denne, *Estate in Fee* I. 46
———————, *Escheat* III. 416
——— v. Hammersley, *Advowson* 26
——— v. Lamb, *Offices* 101
* ——— v. Main, *Devise* VI. 340
* ——— v. Meager, *Mortgage* II. 104
——— v. Okenden, *Fine* V. 142
——— v. Perkins, *Deed* IV. 417
* ——— v. Shore, *Devise* VI. 205
——— v. Wakeman, *Deed* IV. 161
——— v. Walker, *Jointure* I. 192. 194, 195
———————, *Copyhold* 286
Wall v. Bright, *Devise* VI. 204
——— v. Thurborne, *Deed* IV. 139
Waller v. Campian, *Estate for Years* I. 226
* Walley v. Walley, *Mortgage* II. 149
Wallis v. Hodgson, *Devise* VI. 451
——— v. Pain, *Tithes* III. 41

Vol. Page

* Wallwyn v. Coutts, *Deed* IV. 428
Walpole (Lord) v. Cholmondeley, (Lord) *Devise* VI. 119
——— v. Conway (Lord), *Deed* IV. 146. 148
* Walrond v. Hill, *Condition* II. 28
Walsh v. Peterson, *Devise* VI. 145
* —— v. Wallinger, *Power* IV. 207
Walsingham's Case, *Estate Tail* I. 79
* ———————, *Dignities* III. 165, 166
Walter v. Bould, *Estate Tail* I. 78
——— v. Drew, *Devise* VI. 241. 391
* —— v. Hendon, *Deed* IV. 35
Walter v. Jackson, *id.* 62
Walton v. Tryon, *Estate for Life* I. 117
———————, *Tithes* III. 42, 43
Wankford v. Fotherly, *Deed* IV. 37
* Ward v. Bevil, *Devise* VI. 245
—— v. Bradley, *Deed* IV. 326
* —— v. Cecil, *Private Act* V. 18
—— v. Everet, *Deed* IV. 288
* —— v. Hartpole, *id.* 207
—— v. Lambert, *id.* 101
—— v. Moore, *Devise* VI. 109
* —— v. Swift, *Power* IV. 192
* ———————, *Devise* VI. 62
—— v. Walthew, *Recovery* V. 411
Warde v. Warde, *Copyhold* I. 289
———————, *Jointure* 194
———————, *Devise* VI. 37
* Wardell v. Smith, *Deed* IV. 442
* Ware v. Polhill, *Power* 181

Vol. Page

Wareham v. Browne *Devise* VI. 361
Waring v. Ward, *Mortgage* II. 143
——— v. Whale, *Fine* V. 106
Warneford v. Warneford *Devise* VI. 48
* Warner, ex parte, *Mortgage* II. 69
* ——— v. Hone, *Devise* VI. 337
——— v. White, *id.* 131. 327
Warren v. Arthur, *Deed* IV. 89
* —— (ex dem. Webb v. Greenville, *Recovery* V. 283. 285. 288
Warrick v. Warrick, *Deed* IV. 325
Warscombe v. Carrell, *Fine* V. 128
* Warwick v. Collins, *Tithes* III. 46
Wase v. Pretty, *Alienation by Custom* V. 492
* Waterhouse v. Holmes, *Mortmain* VI. 16
Waterman v. Soper, *Tenancy in Common* II. 401
* Watkins v. Birch, *Deed* IV. 424
* ——— v. Lewis, *Recovery* V. 411
Watson's (Miss) Case, *Separate Use* VII. 15
Watson v. Cox, *Recovery* V. 356
——— v. Foxon, *Devise* VI. 350
—— —— Demand. *Recovery* V. 357
Watts v. Ball, *Trust* I. 406, 407
——— v. Birkett, *Fine* V. 73
—— v. Fullarton, *Devise* VI. 107
—— v. Ognell, *Joint Tenancy* II. 368
*Weakley v. Rugg, *Devise* VI. 406
Weale v. Lower, *Estate Tail* I. 84
———————, *Remainder* II. 247. 331. 333
———————, *Fine* V. 213
Wealthy v. Bosville, *Devise* VI. 379

Vol. Page

* Weaver v. Maule, *Copyhold* I. 390. 412
* ———— ————, *Prescription*, III. 417
* Webb's Case, *id.* 454
Webb v. Claverden, *Devise* VI. 128
—— v. Hearing, *Remainder* II. 226
————, *Devise* VI. 224. 237, 238
—— v. Jones, *Mortgage* II. 136
—— v. Lord Lymington, *Estate for Life* I. 107
* — v. Rorke, *Mortgage* II. 149
* — v. Russel, *Deed* IV. 376
* ————, *Merger* VI. 470. 492
—— v. Temple, *Devise* 107
—— v. Webb, *Deed* IV. 327
—— v. Worfield, *id.* 129
Webster's Case, *Devise* VI. 329
* Weddell v. Mundy, *id.* 147
Weekes v. Peach, *Rents* III. 293
————, *Recovery* V. 374
Weeks v. Staker, *Common* III. 79
Wegg v. Villers, (2 Roll. Ab. 796. pl. 11.) *Remainder* II. 258. 275
* Welbank v. Hayward, *Estate for Life* I. 116
Welby v. Welby, *Fine* V. 252
————, *Devise* VI. 199
Welcden v. Elkington, *id.* 393
Weld v. Hornby, *Franchise* III. 263
Welden v. Bridgwater, *Estate in Fee* I. 49
—— v. Ebor, Duc., *Fine* V. 256
Welford v. Beazeley, *Mortgage* II. 170
————, *Deed* IV. 34, 35

Vol. Page

Welkins v. Whiting, *Devise* VI. 280
* Wellard v. Moss, *Offices* III. 117
Wellington v. Wellington, *Estate in Fee* I. 64
————, *Devise* VI. 389
Wellock v. Hamond, *id.* 222. 354
Wentworth's Case, *Recovery* V. 351. 443
Wentworth v. Wentworth, *Dower* I. 170
Wermedale's Case, *Fine* V. 149
* West v. Berney, *Deed* IV. 186. 237
* ————, *Fine* V. 185
* ————, *Recovery* 389
—— v. Errissy, *Deed* IV. 320. 323, 324, 325
Westbeech v. Kennedy, *Devise* VI. 50. 57
Westby v. Kiernan, *Private Act* V. 10, 11. 19
* Westfaling v. Westfaling, *Estate for Life* I. 113
————, *Advowson* III. 10
* Westmeath v. Westmeath, *Deed* IV. 438
Weyland's Case, *Fine* V. 151
Whaley v. Bagenal, *Deed* IV. 40. 43
—— v. Tancred, *Fine* V. 202
—— v. Tankard, *Deed* IV. 111
Whalley v. Reede, *Devise* VI. 142
—— v. Thompson, *Ways* III. 90
Wharton v. Gresham, *Devise* VI. 239
—— v. King, *Copyhold* I. 274. 303

Vol. Page

Wharton v. Wharton, *Estate Tail* I. 84
Whateley v. Kemp, *Deed* IV. 317
Wheate v. Hall, *Devise* VI. 364
Wheatley v. Best, *Dower* I. 170
* Wheeler v. Duke, *Deed* IV. 279. 288
——— v. Heseltine, *Recovery* V. 356
——— v. Newton, *Deed* IV. 34
* ———————, *Fine* V. 179
——— v. Thoroughgood, *Estate for Years* I. 226
* ——— v. Trotter, *Offices* III. 106
——— v. Walroone, *Devise* VI. 195
Whelpdale v. Cookson, *Trust* I. 457
Whetstone v. Bury, *id.* 382
——— v. Wentworth, *Deed* IV. 126
Whetwell v. Masters, *Recovery* V. 355
Whichcot v. Fox, *Deed* IV. 354
———————, *Condition* II. 8
Whichcote v. Lawrence, *Trust* I. 458
Whistler's Case, *King's Grant* V. 54
Whistler v. Webster, *Devise* VI. 19
Whitacre, ex parte, *id.* 204
Whitaker v. Ambler, *id.* 187
Whitchurch v. Whitchurch, *Trust* I. 421. 423
———————, *Devise* VI. 70
* ———————, *Merger* 469. 478
Whitcombe v. Whitcombe, *Descent* III. 345

Vol. Page

*White v. Trustees of the British Museum, *Devise* VI. 51
——— v. Barber, *id.* 142
——— v. Carter, *id.* 311
——— v. Collins, *id.* 296. 324
——— v. Ewer, *Mortgage* II. 114
* ——— v. St. Barbe, *Deed* IV. 204
——— v. Sawyer, *Common* III. 72
——— v. Stringer, *Deed* IV. 442
——— v. Thornborough, *Alienation by Custom* V. 480
* ——— v. Warner, *Condition* II. 31
——— v. West, *Recovery* V. 393
* ——— v. White, *Mortgage* II. 149
Whitechurch v. Holworthy, *Copyhold* I. 282
Whitfield v. Bewit, *Estate for Life* 117, 118. 123
———————, *Estate for Years* 232
———————, *Remainder* II. 313. 318
——— v. Paylor, *Jointure* I. 204
———————, *Deed* IV. 411
——— v. Pinder, *Rents* III. 308
Whiting v. White, *Mortgage* II. 118
Whitlock's Case, *Rents* III. 281
———————, *Deed* IV. 64. 170
Whitlock v. Huntwell, *Joint Tenancy* II. 376
Wicherley v. Wicherley, *Jointure* I. 204
Wickham v. Wickham, *Estate for Life* 117. 127
Widdowson v. Earl of Harrington, *Prescription* III. 434
Widlake v. Harding, *Devise* VI. 208
Wight v. Lee, *id.* 253
Wigley v. Blackwall, *Condition* II. 27
* Wigsell v. Smith, *Deed* IV. 156

Vol. Page

Wigsell v. Wigsell, *Trust* I. 420
* Wilce v. Wilce, *Devise* VI. 212. 221
Wild's Case, *Common* III. 73
———, *Devise* VI. 239
Wilde v. Clarkson, *Deed* IV. 94
Wilkes v. Boddington, *Trust* I. 428
*——— v. Holmes, *Deed* IV. 228
*Wilkins v. Fry, *id.* 392
Wilkinson v. Adam, *Devise* VI. 64. 166
* ——— v. Chapman, *id.* 216
——— v. Colley, *Estate at Will* I. 250
——— v. Merryland, *Devise* VI. 200
* ——— v. Parry, *Trust* I. 460
——— v. South, *Devise* VI. 405
——— v Spearman, *Joint Tenancy* II. 365
Wilks v. Back, *Deed* IV. 28
* Willan v. Lancaster, *Copyhold* I. 258
* ———, *Devise* VI. 356
Willett v. Winnell, *Mortgage* II. 70
Williams v. D. of Bolton, *Estate for Life* I. 124
———v. Bosanquet, *Mortgage* II. 86
* ——— v. Carter, *Devise* VI. 364
——— v. Chitty, *Jointure* I. 191. 200
———, *Devise* VI. 355
——— v. Coade, *id.* 133
* ——— v. Jekyl, *Estate for Life* I. 113
* ———, *Devise* VI. 290
——— v. Lonsdale, *Escheat* III. 419
——— v. Owens, *Devise* VI. 105
——— v. Sorrell, *Mortgage* II. 89
———, *Deed* IV. 452

Vol. Page

Williams v. Springfield, *Mortgage* II. 110
——— v. Thomas, *Fine* V. 216
———, *Devise* VI. 181
——— v. Williams, *Estate Tail after Possibility, &c.* I. 136
——— v. Wray, *Mortgage* II. 97
* Willie v. Lugg, (2 Ed. 78.) *id.* 112
Willis v. Shorral, *Fine* V. 187
———, *Devise* VI. 364
*——— v. Stone, *Tithes* III. 43
Willoughby de Broke Barony, Case of, *Dignities* 155. 196
Willoughby of Parham, Barony of, *id.* 184
Willoughby v. Willoughby, *Trust* I. 418. 425. 427. 440
———, *Mortgage* II. 94. 175
Willow's Case, *Copyhold* I. 301. 312
Willows v. Lydcot, *Devise* VI. 195
Wills v. Palmer, *Use* I. 372
———, *Devise* VI. 168
—— v. Stradling, *Deed* IV. 39
Wilson v. Allen, *Copyhold* I. 325. 328
——— v. Bayly, *Remainder* II. 332
* ———, *Devise* VI. 340
——— v. Carter, *Deed* IV. 63
* —— v. Dent, *Devise* VI. 69
* —— v. Hoare, *Copyhold* I. 302
——— v. Kirkshaw, *Advowson* III. 17
* —— v. Knubly, (7 East. 128.) *Estate in Fee* I. 57
* ———, *Bond* IV. 93
* ———, *Devise* VI. 8
* —— v. Major, *id.* 161
* —— v. Metcalf, *Mortgage* II. 153
——— v. Mounts, *Devise* VI. 205
* —— v. Piggott, *Deed* IV. 210

Vol. Page

Wilson v. Redman, *Tithes* III. 54
* —— v. Vansittart, *Devise* VI. 283
——— v. Willes, (7 East. 121.) *Copyhold* I. 266
———, *Common* III. 71
Winchester's (Marquis of,) Case, *Recovery* V. 275. 369. 425
* Winchester (Marquisate of,) *Dignities* III. 224
Wind v. Jekyl, *Devise* VI. 425
Windham v. Windham, *Deed* IV. 269
Windsmore v. Hobart, *id.* 272
Windsor, Dean of, v. Gover, *Rents* III. 276
Winne v. Littleton, *Mortgage* II. 155
———, *Devise* VI. 201
Winnington's Case, *Use* I. 375
Winnington v. Foley, *Remainder* II. 292. 294. 297
Winsor v. Pratt, *Devise* VI. 86
Winter's Case, *Rents* III. 276, 277
Winter v. Loveden, *Deed* IV. 161. 171
Winton (Ep.) v. Knight, *Copyhold* I. 283
——— v. Paine, *Mortgage* II. 194
Wirty v. Pemberton, *Copyhold* I. 306
Wiscot's Case, *Joint Tenancy* II. 378
*———, *Merger* VI. 468, 469. 481. 484
Wiseman's Case, *Deed* IV. 110
———, *Recovery* V. 414. 422
Wiseman v. Crow, *id.* 352
Witham v. Lewis, *id.* 333

Vol. Page

*Withers v. Pinchard, *Fine* V. 179
——— v. Withers, *Trust* I. 398
Withes v. Casson, *Deed* IV. 264
Witton, Demand. *Recovery* V. 357
*Wolf v. Hill, *Estate for Life* I. 128
*Wollen v. Tanner, *Deed* IV. 210
Wood's Case, *Remainder* II. 332
Wood v. Baron, *Devise* VI. 240
—— v. Gaynon, *Estate for Life* I. 119
—— v. Reignold, *Remainder* II. 279
—— v. Saunders, *Devise* VI. 399
—— v. Shurley, *Jointure* I. 189
—— v. Southampton (D. of) *Condition* II. 24
Woodden v. Osbourn, *Devise* VI. 174
*Woodgate v. Unwin, *id.* 338
Woodhouse v. Brayfield, *Fine* V. 253
——— v. Hoskins, *Remainder* II. 294
* ——— v. Jenkins, *Deed—Covenant* IV. 370
* ——— v. Meredith, *Devise* VI. 202
Woodie's Case, *Deed* IV. 428
Woodley v. Ep. Exeter, *Advowson* III. 8
Woodliff v. Drury, *Use* I. 371
———, *Remainder* II. 263
Woodman v. Blake, *Condition* 30
*Woodmeston v. Walker, (*Separate Use*) Appdx. VII. 15
Woodward v. Foxe, *Offices* III. 110. 115
——— v. Glasbrook, *Devise* VI. 148. 260

Vol. Page

*Woolley v. Platt, *Tithes* III. 47, 48
Wooton v. Edwin, *Rents* 279
*Worcester's (Dean and Chapter of) Case, *Lease* IV. 66
Worledge v. Kingwell, *Common* III. 72. 84
*Worrall, *in re*, *Offices* 110
——— v. Miller, *Tithes* 44
Worsley ex parte, *Recovery* V. 316
*——— v. Scarborough, *Mortgage* II. 195
——— v. Stuart, *Estate for Life* I. 118. 122
Wortley v. Birkhead, *Trust* 427
———— ——, *Mortgage* II. 172. 188
Wotton v. Hele, *Fine* V. 174
——— v. Shirt, *Rents* III. 302
Wray v. Williams, *Trust* I. 441
————, *Mortgage* II. 97. 99
Wright v. Atkyns, *Devise* VI. 162. 173, 174
——— v. Booth, *Fine* V. 252
——— v. Cadogan, (Lord) *Deed* IV. 145
——— v. Cartwright, *id.* 59
——— v. Hall, *Devise* VI. 133
——— v. Hammond, *id.* 382
——— v. Holford, *id.* 346. 348, 349. 352
——— v. Kemp, *Alienation by Custom* V. 467
——— v. Littler, *Devise* VI. 105
——— v. Pearson, *Trust* I. 387
————, *Devise* VI. 281. 286. 289. 296. 301
——— v. Pilling, *Mortgage* II. 173
* —— v. Powle, *Estate for Life* I. 116

Vol. Page

* Wright v. Rose, *Mortgage* II. 79
* —— v. Russell, *Devise* VI. 213
——— v. Wakeford, *Deed* IV. 192
——— v. Wickham, *Fine* V. 73. 237. 240
——— v. Wright, *Devise* VI. 51. 425
——— v. Wyvell, *id.* 158
Wrightson v. Hudson, *Deed* IV. 450
Wrotesley v. Adams, *id.* 269
Wyatt v. Barwell, *id.* 460
Wykes v. Tyllerd, *id.* 102
*Wykham v. Wykham, *Rents* III. 310
———— ————, *Recovery* V. 389
Wyllion v. Barkley, *Estate Tail* I. 74
*————————, *Private Act* V. 3
————————, *Fine* 131
Wymbishe v. Taylboys, *Recovery* 409
Wyndham v. Chetwynd, *Devise* VI. 61
* ——— v. Egremont, (Earl) *Trust* I. 420
* ————————, *Merger* VI. 498
Wynn v. Wynn, *Devise* 129
Wynne v. Cookes, *Copyhold* I. 328
* —— v. Griffith, *Deed* IV. 218
——— v. Hawkins, *Devise* VI. 161
——— v. Lloyd, *Recovery* V. 318. 323
——— v. Williams, *Trust* I. 439
——— v. Wynne, *Recovery* V. 313. 322, 323. 328. 358. 437
* —— v. Wyvell, *Devise* VI. 158
Wyvel's Case, *Advowson* III. 9

Vol. Page

Y.

Yard v. Ford, *Franchise* III. 264
Yate v. Windham, *Joint Tenancy* II. 386
Yates v. Hambly, (2 Atk. 360.) *Mortgage* 120
Yelverton v. Yelverton, *Deed* IV. 108
*York (D. of) v. Marsham, *Copyhold* I. 320
——— v. Stone, *Joint Tenancy* II. 380
Young v. Jenkins, *Use* I. 356
Young v. Stoell, *Offices* III. 101. 104
*Younger v. Welham, *id.* 107

Z.

Zouch, Barony (Case of,) *Dignities* III. 194
——— v. Bamfield, *Fine* V. 158, 159
——— v. Forse, *Copyhold* I. 275
——— v. Parsons, *Deed* IV. 14
——— v. Thompson, *Fine* V. 239. 241
——— v. Woolston, *Deed* IV. 201. 233

AN

INDEX

OF THE

PRINCIPAL MATTERS.

N. B. The Numerals refer to the Volumes; the Figures to the page.

ABATEMENT OF FREEHOLD. See *Disseisin.*
- what is, I. 51
- previously to stat. 3 & 4 Will. 4. c. 27. must have been avoided by entry or continual claim, ib. III. 312
- but entry of a younger brother upon the death of the ancestor was not an abatement, I. 51
- where a coparcener enters specially claiming the whole land, she gains her sister's moiety by, II. 392. Qu. ib. 403

ABATEMENT OF WRITS,
- a writ of partition between joint tenants does not abate by the death of one of them, II. 385. 388
- no original writ abates by the death of a king or queen, V. 73

ABATOR,
- may make a valid assignment of dower, I. 169
- distinguished from a tenant at sufferance, 249
- cannot grant a copyhold, 271

ABBOTS,
- who held per baroniam were obliged to attend the Curia Regis, III. 126

ABEYANCE,
- of the freehold defined, I. 52. not favoured in law, 55
- when it does not take place, 53
- instance of in glebe, ib.
- of the fee-simple defined, 55
- of a dignity, III. 189. See *Dignities.*
- of a remainder, II. 327—330

ACCEPTANCE OF RENT,
after disclaimer, barred the lord of his writ of right, I. 64
may be a dispensation of forfeiture of a copyhold, 318, 319
when it bars an escheat, III. 400.
confirms a voidable lease, IV. 70. but not of a void lease, 70—72
bars the lessor of a right to enter on the breach of a condition in a lease, 72
unless he was ignorant of the breach, ib.
ACCIDENTAL FIRE,
how far a tenant for life is answerable for damages by, I. 132, 133
Q. whether a tenant by the curtesy is answerable, 150
Q. whether a dowress is answerable, 166
how far a tenant for years is answerable, 233
usual covenant to exempt him from rebuilding, 133
ACCOUNT, ACTION OF.
lies against a tenant by statute, elegit, &c. II. 55
lies between joint tenants, 377. and tenants in common, 400
ACCUMULATION, TRUSTS OF. See *Perpetuities.*
doctrine of accumulations previous to the statute 39 & 40 Geo. 3. c. 98. VI. 429—459
doctrine of accumulations since the stat. 459
equity will support a trust of accumulation *pro tanto*, 460
ACT OF PARLIAMENT. See *Statutes.*
perpetuities by act of parliament, IV. 350, 351
private act. See *Private Act, ib.*
ACTION,
right of not defeated by discontinuance or warranty I. 79
of account. See *Account.*
for avoiding fines. See *Fines*, V. 242
of debt. See *Debt.*
real and possessory, III. 314, 315
what real actions are abolished, 315, 316 See stat. 3 & 4 Will. 4. c. 27.
upon a covenant, IV. 375. 389
for recovering dower. See *Dower.*
of ejectment. See *Ejectment.*
for injuring the inheritance lies in favour of a reversioner, II. 336, 337
of trespass. See *Trespass.*
of trover. See *Trover.*
for falsifying recoveries. See *Recovery.*
of waste. See *Waste.*
a right of action,
cannot be transferred, I. 225. 342. II. 4
will not support a contingent freehold remainder, 244
may stand in jointure, 366
ACTON BURNELL, stat. of, II. 39

ADMINISTRATORS. See *Executors* and *Administrators.*

ADMISSION of a Clerk to a Benefice, III. 12

ADMITTANCE OF COPYHOLDERS. See *Copyhold.*

AD QUOD DAMNUM,
writ of, (before stat. 7 & 8 W. 3. c. 37.) was sued out previous to granting the king's licence in mortmain, I. 54. IV. 21

ADULTERY,
is a bar of dower, I. 175
but not of curtesy, 150
nor of jointure, 209

ADVANCEMENT,
no trust results to a father on a purchase of land in the name of his child, for it is an advancement, I. 398—400. *Aliter*, when in his own name and that of his son, 400

ADVERBS of TIME,
effect of, in the limitation of remainders, II. 225

ADVERSE POSSESSION,
necessary to the operation of the statute of limitations, and what it is, III. 436. 438, and to the operation of a fine, V. 226, 227

ADVICE,
words of, do not create a devise, VI. 158, when they raise a trust, 161. And see *Implication.*

ADVOWSON,
is an incorporeal hereditament, I. 46. III. 2
origin of the terms *advowson* and *patron*, ib.
is a right of presentation to a church or ecclesiastical benefice, 2.
distinguished from a right of nomination, 3. 11
thus cestui que trust of advowson has the right to nominate, but the trustee to present,
and mortgagor has right to nominate, but mortgagee to present, 3. 11. 19
of a moiety of a church, 2
semb. lies in tenure, 5
stat. 3 & 4 Will. 4. c. 27. extends to, III. 454
Appendant,
or annexed to the manor in which the church was first erected, 3
may become in gross, by what means, 4
may cease for a time to be appendant, and may become so again, ib.
for one turn, and in gross for another, 5
In gross,
by being separated from the manor to which it was appendant, 4
by what conveyances, ib.
may be conveyed to uses, I. 341
cannot be extended on an elegit, II. 54. III. 9

ADVOWSON—*continued.*
entails of, may be barred by fine, V. 164. and recovery, 340
Presentative, III. 5
Collative, ib.
Donative, ib.
seisin of, 6
what estate may be had in, ib.
is subject to curtesy and dower, 6, 7
alienable, by what conveyance, 7. for ever or for next presentation, ib.
assets, ib.
devisable, VI. 26
descendible, III. 329
may be mortgaged, but mortgagees cannot present, II. 87. III. 19
whether appendant or in gross are assets for payment of debts, 9. 27. and may be sold for that purpose by order of court of equity, 9
were not within the former statutes of limitation, but within the stat. 3 & 4 Will. 4. c. 27. 454
previously to stat. 3 & 4 W. 4. c. 106. descended only to the whole blood, 350
what seisin made a possessio fratris, ib.
colleges in the English universities may hold a larger number of, than the moiety of their fellows, 45 G. 3. c. 101. repealing the proviso in 9 G. 2. c. 36. s. 5
what number the colleges of Winchester, Westminster, and Eton may buy, IV. 22
may be leased, 60
will pass by
bargain and sale, 100
covenant to stand seised, I. 341. IV. 107
lease and release, 115
fine may be levied of, V. 132
words in, which will pass advowson, 134
entail of, cannot be discontinued, 219
but might be barred by fine, if the advowson were in gross, 164
a recovery might be suffered of, by writ of right of advowson, but writ of entry in the post did not lie, 340
Presentation,
any number of presentations may be granted, III. 7
right of, goes to executors, 14, 15
may be devised, VI. 26
grant of the next, does not become void on the crown's acquiring a right to present, III. 8
one coparcener does not lose her turn to present by usurpation on her elder sister, 18
distinguished from nomination, 3

ADVOWSON—*continued.*
to a church, is equivalent to corporeal seisin of land, III. 6
must be in writing, 11, 12
may be revoked, 12
simoniacal, when, 25
who may present, 14
husband seised jure uxoris must present in his own and wife's name, ib.
tenants by courtesy and dower, ib.
executors or administrators, when, ib.
heirs, when, ib.
successors, when, 15
infants, 15. IV. 140
but *semb.* guardians must concur, III. 17
joint tenants, ib.
coparceners and their grantees, ib.
tenants in common, 18
effects of partition of advowson held in joint tenancy, coparcenary, or in common, 19
mortgagor is entitled to nominate, ib. but mortgagee to present, ib.
Qu. whether a cognizee, by statute, of a manor to which an advowson is appendant, may present, 20
a bankrupt, on vacancy before advowson sold under the commission, ib.
Who are incapable of presenting,
aliens, outlaws, 21. lunatics, 22
persons refusing to subscribe the declaration in 1 W. & M. sess. 1. c. 26. 21
Roman catholics and their mortgagees or trustees, ib.
but a protestant may purchase advowson from a papist for a valuable consideration, ib.
Examination of the clerk,
belongs to the bishop, 22
causes of refusal, ib.
remedies of the clerk and patron against the bishop for refusing to institute without cause, ib, 23
admission, 12
institution, ib.
induction, ib.
belongs of common right to the archdeacon, ib.
form of induction, ib. 13
Lapse, 13
Simony, III. 23
what contracts and presentations are simoniacal, 24—26
king shall present, if committed, 23, 24
promise to present on marrying daughter of patron, is, 24

Advowson. Issues of - 1 Comyns Dig. 527.

ADVOWSON—*continued.*
Simony,
reservation of an annuity to widow or son of last incumbent, III. 24. Qu.
will oust the presentee, although he is ignorant of it, *ib.*
sale of presentation during a vacancy, is, 25
but not sale of advowson, though incumbent is in a dying state, 27
exception, in case of clergyman purchasing, 28, 29, and Qu.
general bonds for resignation are void, 30
but not special bonds, 34, nor bonds to resign in favour of a particular person, 36

AFTERMATH,
Q. whether tithable, III. 41

AGENT,
purchasing for himself is a trustee for his principal, I. 460
notice to him is notice to the party, IV. 452. 455. 458

AGISTMENT TITHES. See *Tithes.*

AGREEMENT. *See Articles of Agreement, Deed.*
considered with reference to the statute of frauds, 29 Car. 2. c. 3. and to the construction of s. 4., IV. 32
what instrument amounts to an agreement or contract, 33
a condition of a bond is an agreement in writing, IV. 92
what is a sufficient signing, 34
sealing is unnecessary, ib.
signing by the party to be charged, is sufficient, ib. 35
signing by a third person as clerk to the agent for a seller, is good, 35
an agent may be authorized to sign by parol, ib.
a letter signed by the party to be charged, specifying all the terms or referring to them in some written agreement, is an agreement, ib.
must be stamped before given in evidence, 36
equity will order them to be delivered up for that purpose, 36
letters previous to marriage of a child are agreements, ib. 37
though by parol, is good in equity, though the statute is relied on when there is fraud, 38
or where there has been part performance, ib. 39. 41, 42
what acts are a part performance;
delivery of possession or laying out money, 39. 43
payment of purchase money, 39, 40
but not payment of earnest, or of a small sum, 40
nor introductory acts, ib.
by parol is good, where it is confessed to exist without insisting on stat. frauds, 43

AGREEMENT—*continued.*
written agreement, when may be discharged by parol, notwithstanding the stat. IV. 44
no averment founded on parol evidence can be admitted to contradict or vary a written agreement, ib.
an agreement to surrender a copyhold does not entitle the lord to a fine, I. 296
restraining an equity of redemption, is void, II. 69
for partition, how far it binds a joint tenant, 389
for partition, by husbands of joint tenants, will not bind the heirs of the joint tenants, ib. 390
by an infant to levy a fine or suffer a recovery to uses, did not amount to a declaration of uses, IV. 128
to convey lands, will operate in equity as a revocation of a devise, VI. 93

AIDS,
original, by feudal vassal to lord, I. 11
purely military, 12, 24, 25

ALIENATION,
unlimited power of, existed in England in the time of the Saxons, IV. 3
by a tenant in tail is not void but voidable, and previously to the stat. 3 & 4 Will. 4. c. 74. sometimes created a discontinuance, I. 78. 81, 82. II. 269. III. 314, 315. See *Discontinuance.*
uses before the stat. 27 Hen. 8. were alienable, I. 342
trusts are alienable, 406, 407
conditions in lease for years restraining it construed strictly, II. 7
and do not extend to assignees of lessee who has assigned his term with consent of lessor, ib.
a tenant for life or years may be restrained from by proviso, ib. IV. 332
may be restrained by act of parliament, 350, 351
how long a power of alienation may be suspended, 338. See *Perpetuities* and *Executory Devise.*
of an equity of redemption, II. 94
of advowsons, III. 7
of tithes impropriate, 49
a dignity cannot be aliened, 152
of offices, when an offence against the statute 5 & 6 Edward VI., 109
prevents an escheat, 400
origin and progress of the power of alienation, IV. 3
fines for alienation of lands held in capite, 4. 6
by lay, ecclesiastical, and eleemosynary corporations, 13
of copyholds. See *Alienation by Custom.*
fines are due to the lord, I. 292
if contrary to custom produces a forfeiture, 308

ALIENATION—*continued.*
by matter of record, V. 1
of crown lands, 46
by fine, 165—170
distinguished from alienation by feoffment or deed, II. 5
effects of, in revoking a devise. See *Devise.*
ALIENATION BY CUSTOM, V. 447
alienation of copyholds by surrender and admittance, 448
Surrender,
what surrenders are valid, ib
the word *surrender* is necessary, ib. 449
of surrenders in and out of court, and to the steward, 449
of surrenders by attorney, ib.
who may surrender, 450
committees of lunatics, ib.
a fême covert jointly with her husband, ib.
a custom that she shall surrender alone is not good, 451
in what case she may surrender alone, ib.
what estate may be surrendered, ib.
nothing but a legal estate, ib.
a mere possibility cannot be surrendered, 452
a trust estate, or equitable interest will pass without surrender, ib.
construction of a surrender as to describing the premises, ib.
to whose use a surrender may be made, ib.
a husband may surrender to the use of his wife, 453
and a wife by custom to her husband, ib.
a surrender to the use of a person not *in esse*, as an infant *in ventre matris*, is good, 452, 453
description of grantee, 453
to the use of a will. See *Devise.*
Presentment, 454
Admittance, ib.
must be entered on the court rolls, 455
form of the entry, 454
what will amount to an admittance, 455
must be according to the surrender, 456
the court of king's bench will compel the lord to admit, ib.
fines are due on admittance, I. 292
who may admit, V. 456
effect of a surrender and admittance, 457
the admittance relates back to the surrender, ib.
a surrender and presentment severs a joint tenancy, ib. 458
surrenders by way of mortgage,
the surrenderor continues legal tenant till the mortgagee is admitted, 462
although the surrender be not presented, it is a lien in equity, ib.
the mortgagee will not be allowed to tack a judgment debt to his mortgage, ib.

ALIENATION BY CUSTOM—*continued.*
a surrender does not destroy a contingent remainder, V. 463
a surrender and re-surrender alters the descent, 464
construction of surrenders, ib. 465
what words create an entail, 466
in what similar to the construction of wills, ib.
are now construed as deeds, ib.
application of the rule in Shelley's case, 468
whether a surrender may be made to springing and shifting uses, 472
a surrender sometimes supplied in equity, 474
an agreement in writing to surrender is binding, ib.
how the entails of copyholds may be barred,
by forfeiture and regrant, 475
by a recovery in the manor court previously to the 3 & 4 Will. 4. c. 74. ib. 477. See *Recovery*.
usual mode of suffering such recovery, 478
such recovery was a discontinuance, ib.
effect of such a recovery on the descent, ib.
how such recoveries may be reversed, 440
within what time, ib.
when recovery of customary freeholds might be suffered in C. P. 478
by surrender, 480
a custom of barring entails of copyholds by surrender or by recovery was good, 481
by a grant of the freehold from the lord, 483
how an equitable entail may be barred, 484
by surrender to the use of one's last will, VI. 38
by disposition under stat. 3 & 4 Will. 4. c. 74., V. 485, 486
the entail of the trust of a copyhold is not barred by a devise, VI. 41
how conditional fees may be barred, V. 490
effect of a release to a tenant *de facto*, 491
the releasee must have been admitted, ib.
joint tenants may release to each other without a surrender, 492

ALIENS,
joint tenancy of, with natural born subjects, II. 373
who are considered such, III. 320, 321
cannot be freeholders, I. 53
cannot be tenants by the curtesy, 144
are not entitled to dower; exceptions, 159
an alien husband is not entitled to a term belonging to his wife, 229
cannot be seised to uses, 350
an alien friend merchant may have the benefit of a statute or recognizance, II. 47

ALIENS—*continued.*
may be joint tenants, but are liable to forfeiture upon office found, 373
cannot present to livings, III. 21
cannot inherit lands, 320
a title may be deduced through an alien, 322
may purchase but cannot hold lands, IV. 21
could not levy fines, V. 126
might suffer recoveries, 275. 347
an alien was a good tenant to the præcipe until office found, 347
may be devisees, but Qu. for whose benefit, VI. 15

ALLODIUM, OR ALLODIAL LANDS,
derivation of the word, I. 5
owner of,
had the dominium rectum et verum, 4
though liber homo, was bound to military service, 5
nature of, 7
conversion of into the feud, reasons for, and effects of it, 7. 19, 20
lands given, without reserving fealty, were, 11
on descent of, the ascending line might inherit, 14
cannot now exist in England, and why, 19, 20. See *Feudal System.*

AMBIGUITAS LATENS,
may be explained by averment, in a deed, IV. 255
and also in a will, VI. 153

AMENDMENT,
of fines, V. 138. See *Fine.*
not necessary, if error in proceedings be apparent from the declaration of uses, V. 138 n.
of recoveries, 353. See *Recovery.*
when not necessary, 353

ANCIENT DEMESNE, COURTS OF,
fines may be levied in them, V. 104

ANCIENT DEMESNE LANDS,
nature of their tenure, I. 36, 37
how destroyed, 38
how restored, ib.
privileges of the tenants of, 37
new enactments respecting fines and recoveries of, I. 38. 93
may be extended by eligit, II. 51
fines of them could not be levied in the court of common pleas, V. 104
if a fine was levied in the court of common pleas of ancient demesne lands, it must have been reversed by writ of deceit, 240
a recovery suffered of ancient demesne lands was reversible by writ of deceit, 439

ANNUITIES, III. 2
charged on the persons of the grantors only cannot be entailed, I. 73
charged on duties for imports and exports cannot be entailed, ib.
charged on the post-office revenues cannot be entailed, ib. 74
a recovery could not be suffered of an annuity charged on personal estate, V. 340
apportionment of by stat. 4 & 5 Will. 4. c. 22. app. VII. 2.
APPARENT HEIR, distinguished from an heir *presumptive*, III. 328
APPENDIX, VII. I.
APPOINTEE,
who may be one, IV. 146
APPOINTMENT,
power of. See *Power.*
under a power. See *Power.*
a trust results in default of appointment, I. 396
of new trustees by the court of chancery, 460. See *Trustees.*
APPORTIONMENT,
of conditions, II. 36. See *Conditions.*
of common, III. 72, 73. See *Common.*
of rents. See *Rents.*
of annuities, &c., Appendix, VII. 2
APPROVEMENT OF COMMON under statutes 20 Hen. 3. c. 4. and Westm. 2. c. 46., III. 76. et seq.
ARTICLES OF AGREEMENT. See *Agreement.*
nature and construction of, IV. 10. 258
are good against judgment creditors, II. 49
in what cases articles of agreement will sever a joint tenancy, 382
lands contracted for by articles are devisable, VI. 23
construction of, IV. 258
On mariage. See *Settlements.*
how construed, IV. 259. 302
cross remainders may be implied in, 302
rule in Shelley's case not applied to, 313
though the estate be the wife's, 316
except where an estate tail is given to the wife in an estate of the husband's, 317
or where there is a difference in two sets of limitations, 319
same construction as to daughters, where words are *heirs female*, as to sons where words are *heirs male*, 320
but not where the words are *heirs of the body*, and there is a provision for daughters, 321
the word *issue* extends to daughters, 323
bind lands, when, 377
by widow, previous to second marriage, 443, 444
settlements in pursuance of articles rectified, whether so made before or after marriage, 323

ARTICLES OF AGREEMENT—*continued.*
except in the case of purchasers for valuable consideration, IV. 325
except where made before marriage, and not expressed to be in pursuance of the articles, ib.
ARUNDEL, an earldom by tenure, III. 180
ASSETS,
defined, IV. 359
by descent, the heir is liable to their amount, I. 57
What are considered assets,
trust estates, I. 413
terms attendant, or in gross, 418. 426
an equity of redemption is assets in equity, II. 103
what reversions are assets. See *Reversion.*
copyholds previously to stat. 3 & 4 Will. 4. c. 104. were not assets, I. 284
advowsons, III. 9. 27
tithes in the hands of laymen, 49
a rent in some cases, 290
what are assets for payment of bond debts, IV. 92, 93
ASSIGNEE,
who are assignees within the statute 32 Hen. 8., II. 35. IV. 373. 375
of a bankrupt. See *Bankrupt.*
of a bond, must sue in the name of the first obligee, IV. 96
of a lease, is subject to the covenants, II. 85, 86. IV. 372. 392
is entitled to the benefit of covenants, 375
of a mortgage, is only entitled to what is due, II. 89
will be allowed interest upon interest on the money paid, when, 152
of lessor and lessee, what privity between them, IV. 376
of an office, distinguished from a deputy, III. 105, 106
ASSIGNMENT,
is properly a transfer of some particular estate in lands, but is usually applied to the transfer of a term for years, IV. 88
distinguished from a derivative, or under lease, ib.
proper operative words of, ib.
is good without technical words, ib.
since stat. frauds, must be by deed or note in writing, 89
what may be assigned,
every estate in lands and tenements, ib.
every certain estate vested *in præsenti* in incorporeal hereditaments, though the interest be to take effect *in futuro*, ib.
a mortgage, II. 89
a contingent remainder or equitable interest, 333. IV. 89
an office in some cases, III. 103
a bond in equity, IV. 95, 96
a chose in action in equity, 89. 95, 96. but not at law, II. 4. IV. 95

ASSIGNMENT—*continued.*
an executory interest, VI. 425
a power coupled with an interest, IV. 89
but not a naked power, ib.
no right of entry or re-entry, ib.
of dower. See *Dower.*
of a lease,
gives the lessor a double remedy for his rent, III. 304
covenant not to assign, IV. 374
does not exonerate the assignor from covenants, 375
usual covenants in, 392
registering the assignment is not a register of the lease, 449
of a mortgage,
the mortgagor is usually a party, II. 89
registering the assignment is not notice to the occupier, ib.
of a term attendant. See *Trust.*
of a term for years, is good without consideration, IV. 88, 89

ASSIZE,
judges of, might take the acknowledgments of fines without any writ of dedimus potestatem, V. 108
rents of assize, III. 274

ASSURANCES, different kinds of, IV. 7

ATTAINDER. See *Escheat.*
for high treason,
creates a forfeiture,
of an estate in fee simple, I. 63
of an estate tail, 90. Exception in favour of issue in tail, III. 386
of a right of entry in the tenant in tail, I. 90
but not of a right of action, ib.
and only while there are heirs inheritable, 91
of a husband is a bar of dower, 174
though followed by pardon, ib.
of a cestui que trust creates a forfeiture, 411, 412
a power becomes forfeited to the crown on, IV. 239
in what cases the crown may execute a power so forfeited, 240
for felony,
does not create a forfeiture of an estate tail, I. 91
of a husband is not a bar of dower, 174, 175.
for petty treason or felony,
creates a forfeiture of estate in fee simple for *an, jour, et wast,* I. 63.
of cestui que trust does not create forfeiture, 412
for treason or felony,
takes away curtesy, I. 144
but not jointure for attainder of husband, 209

ATTAINDER—*continued.*
of a copyholder, creates a forfeiture, I. 307; exception, ib.
of a trustee, previously to stat. 4 & 5 Will. 4. c. 23. created a forfeiture of the legal estate, 447, 448. App. VII. 4
creates a forfeiture of a dignity, III. 156. 158
of a co-heir, does not terminate an abeyance of a dignity, 202
causes corruption of blood, except in the case of an entail, 386
of a warrantor, destroys his warranty, IV. 366

ATTAINTED PERSONS,
cannot be freeholders, I. 53. 174
are barred of dower, 175
where they are incapable of inheriting or transmitting, III. 322, 323
cannot convey by deed, IV. 20
may purchase, but cannot hold, 21

ATTENDANT TERMS, I. 418. See *Trust.*

ATTESTATION,
of a deed, IV. 31
of a will, VI. 49. See *Devise.*
of a declaration to revoke a devise, 80. See *Devise.*

ATTORNEY,
notice to him is notice to the party, IV. 452. 455. 458
gift or gratuity to, 412
voucher by attorney, V. 312
a copyholder may surrender in court by attorney, 449
deed of gift to, or purchase by, when avoided, IV. 412

ATTORNMENT,
a grant operates without attornment, IV. 51
after a fine unnecessary, V. 94

ATTRACTION,
an earldom does not attract a barony, III. 155

AVERIUM, meaning of the word, I. 304

AVERMENT. See *Parol Evidence.*
an averment that a provision made for a wife previous to marriage was meant in bar of dower, Qu. if admissible, I. 191, 192
admissible to explain or support, but not to contradict or vary, a written agreement, IV. 44
when admissible in the construction of deeds, 253—256
when admissible in reversing fines and recoveries. See *Fine* and *Recovery.*
an averment of the uses of a devise is inadmissible, VI. 7
when admissible in the construction of devises, 153

AVOIDANCE,
of deeds. See *Deed,* IV. 404. 406
of fines. See *Fine.*

AVON RIVER,
shares in, are real property, I. 46
a woman may be endowed of a share in it, 161
AVOWRIES,
restrained to 50 years by the statute of limitation, III. 295, 296. 432
distinction as to seisin in case of, 432

B.

BANKRUPT,
may present to a living, III. 20
executing powers by IV. 237 and note (*a*)
settlement by, after marriage, when only good, 427
Assignee of,
real estate vests in, I. 88
need not now be admitted to a copyhold, 293
not protected from dower by a term attendant, 442
may not buy the bankrupt's estate, IV. 412
selling a lease cannot require covenants for indemnity, 392
estates tail are subject to the bankrupt laws, I. 89
new enactments concerning, 88, 89. 293

BANKRUPTCY,
of Copyholders. See *Copyhold.*
a condition that a lease shall determine by bankruptcy is good, II. 12

BARGAIN AND SALE,
is a deed deriving effect from Stat. Uses, IV. 24. 97
exception, 105
when enures as a feoffment, 46
operates without transmutation of possession, for it only transfers a use, 98. I. 366
what words are necessary, IV. 98
the words " bargain and sell,"
may create a covenant to stand seised, 101. 106. 248
or enure as a confirmation, though bad as a bargain and sale, for want of consideration, 249
when the words " grant, bargain, and sell," operate as covenants for the title, 381
who may convey by, 99
what may be conveyed by
every estate of freehold in possession, 100
estates in remainder and reversion, if the right to them is actually vested in the bargainor at the time, ib.
incorporeal hereditaments *in esse* at the time, as rents, advowsons, tithes, commons, &c. ib., and see I. 341. 353

BARGAIN AND SALE,—*continued.*
but not a chattel interest, and why, IV. 100
a chattel interest may be created by, ib. 101
requires a pecuniary consideration, or will be void, IV. 23. 101
but the quantity of the sum is not material, 101. 115
if in consideration of natural love will enure as a covenant to stand seised, 101. n.
thus a conveyance to a person on trust to pay grantor's debts out of the lands conveyed, will not operate as, 101
a rent may be reserved on, 102. III. 276
must be by indenture, IV. 102.
must be enrolled, ib. 110
the enrolment must be within six lunar months, 102
and has a relation to the date or delivery, ib. 103
where the lands are within certain cities or boroughs, enrolment is unnecessary, 103
a bargain and sale for years need not be enrolled, *ib.*
its effect as an agreement to convey, or as a grant of reversion, when it is not enrolled, 251
if enrolled, will in London bar a woman of dower, I. 177
does not divest any estate, IV. 104. 111. for it only conveys what the bargainor may lawfully convey, II. 270
no use can be declared on, except to the bargainee, IV. 112
exception, 105.
use remains to bargainor by implication, I. 374. IV. 246
Qu. if powers can be inserted in, 135. 178
a power of leasing cannot be reserved in, 178
does not extinguish a power in gross, 235
nor a power simply collateral, 238
conveys the legal estate to the bargainee, I. 382
by a particular tenant will not destroy contingent remainders, II. 270
not enrolled held to revoke a devise, VI. 94
to make a tenant to the præcipe, V. 309, 310
a husband seised *jure uxoris* might make a good tenant to the præcipe by bargain and sale, 292, 293
under the statute of uses distinguished from bargains and sales under authorities, IV. 105

BARONIES. See *Dignity.*
origin and nature of, III. 118. 123
of the name of baron, 123
tenure per baroniam, *ib.*
of the king ut de honore aut baroniâ, I. 21
distinction between barons by writ and tenure, and barons by writ only, III. 136
a barony is not attracted by an earldom, 155
will descend to the heir general when the earldom becomes extinct, *ib.*

BARONIES,—*continued.*
a *caput baroniæ* is subject to curtesy, I. 145
what was called the caput baroniæ, III. 125
the caput baroniæ was not subject to dower, I. 164
was allotted to elder sister on partition among parceners, III. 125. II. 397.
not divisible among co-heirs, III. 125

BASE OR QUALIFIED FEE, I. 64, 65. See *Estate in Fee Simple.*
defined, I. 65. 80
does not merge in fee simple, I. 56. 65. V. 168. VI. 481, 482
how created, I. 80
incidents to, ib.
liable to dower, 162

BASTARD,
cannot inherit, III. 319
doctrine of quatuor maria, non-access, &c. ib. 320
may be devisee, unless *in ventre matris*, VI. 15. 165, 166
affection for a bastard is not a sufficient consideration to raise a use in a covenant to stand seised, IV. 109
but it would be sufficient declaration of a use upon a fine, 120
remainder to, is void, II. 230

BEASTS,
of forest, III. 246
of chase, ib.
of park, 248
of warren and fowls, 249

BERGAVENNY, a barony by tenure, III. 131—133

BERKELEY, a barony by tenure, 129, 130

BILL IN EQUITY,
where it will have the effect of avoiding a fine, V. 243. 260

BISHOPS. See *Ecclesiastics* and *Corporations.*
how restrained from waste, I. 130, 131
their certificates determine the legality of marriage, 155
may make grants of copyholds to bind their successors, 270
may maintain actions for waste committed during a vacancy, II. 315
but not for waste done in the time of their predecessors, ib.
are not within the statute of Marlbridge, ch. 28. ib.
who held per baroniam were obliged to attend parliament, III. 126
might be barred by fines during their own lives, V. 200. 224
offices incident to bishopricks are not within disabling acts, III. 95

BLACKSTONE, Sir William,
observations on his law of descents, III. 354

BLOOD,
where a sufficient consideration to raise a use, I. 398, 399
dignity and proximity of, III. 352

BLOOD,—*continued.*
corruption and restitution. *See* those articles
privity in blood, V. 157
BOCKLAND, IV. 7
BODIES CORPORATE. See *Corporations.*
BOND. See *Recognizance.*
described, IV. 91. why called a specialty, 92
condition of, 91, 92
is an agreement in writing, 92
writing, sealing, and delivery, essential to, 91
statute of frauds does not extend to, ib.
is good without technical words, ib.
so of the condition, if the parties' intent can be discovered, 92
when an illegal or impossible condition avoids the whole bond, ib.
debts by, preferred to those due on simple contract, ib.
is no lien whatever on lands, till laid thereon by a judgment, 93. II. 107
Effect of,
as to the obligor and his heir, IV. 92, 93.
as to the heir of an obligor who is a reversioner, 93
as to a devisee, ib.
when the penalty in the obligation differs from that mentioned in the consideration, IV. 94. n.
where the remedy on, may exceed the penalty, 94
bonds to the king, ib.
may be assigned in equity, 95, 96. but not at law, 89. 95
assignee of, must sue in the name of the obligee, 96
distinguished from a recognizance, 95
from a tenant in tail not to commit waste is void, II. 6, 7
Qu. whether a bond from a tenant in tail not to bar the entail, or suffer a recovery, was valid, 6
when valid, where a condition would have been void, ib.
for resigning a living, when valid, III. 30
for surrendering an office, when valid, 110
for securing the profits of an office to the appointor, when valid, ib.
defeasance of bonds, IV. 96
BOND DEBTS. See *Debts.*
BOROUGH ENGLISH, custom of, I. 36
descent in, III. 388
reversing fine of lands in, V. 236
stat. 3 & 4 Will. 4. c. 106. extends to, III. 387. n.
BOTES, I. 105. See *Estovers.*
BROTHERS, the descent between them is immediate, III. 325
BUILDINGS, belong to tenants in fee simple, I. 55. See *House.*
BURGAGE tenure, I. 36

C.

CANAL SHARES. See *Navigation.*
CANCELLING,
when it will avoid a deed, IV. 408
when a revocation of a devise, VI. 83
when cancelling a subsequent will is a republication of a former one, 121
CAPITE,
tenure in, I. 21
must be of the person of the king, ib.
CAPTION OF A FINE,
no averment admitted as to the time of caption, V. 85
orders of court relative to captions, 111, 112
CAPUT BARONIÆ. See *Baronies, Dignities, Dower.*
CASTLE,
allotment of, on partition among parceners, II. 397
CATTLE,
young of, bred in a parish, are there tithable, III. 45
levant and couchant. See *Common*
CELLAR will not pass by a lease of a yard, IV. 269
CESTUI QUE TRUST, I. 381
when in possession, is considered at law as tenant at will to the trustee. ib.
CESTUI QUE USE. See *Use.*
CESTUI QUE VIE. See *Estate for Life.*
CHANCERY, Court of,
will appoint new trustees, I. 460
when a bill in chancery will avoid a fine, V. 243. 260
a will may be proved in chancery, VI. 70, 71
will direct the ecclesiastical court to deliver up an original will where it must be produced in evidence, 9
CHARGES,
when they merge or become extinguished in the fee, I. 56. VI. 496—499
CHARITABLE USES,
what conveyances to charitable uses are valid, IV. 21, 22
what devises to charitable uses are valid, VI. 15, 16. 128
CHARTERS. See *Deeds, Statutes, Title Deeds.*
descendible as heir looms, I. 46
detinue of charters is a bar of dower, 176, 177
a lord by escheat is entitled to charters, III, 417
description of a deed or charter, IV. 7
CHASE. See *Franchises.*

CHATTELS REAL,
description of chattels, I. 227
an estate for years is a chattel real, ib.
vest in executors, though otherwise limited; exception for the king, 228
estates by statute merchant, statute staple, and elegit, are but, II. 54, 55. VI. 475
if held in joint tenancy are liable to survivorship, II. 369
a chattel interest may be created, but cannot be conveyed by bargain and sale, IV. 100
lands devised to executors for and until payment of debts are chattel interests, I. 223. VI. 361
a right to the next presentation to a benefice is a chattel real, III. 15.
are devisable, VI. 23. what words pass them, 229
in the case of chattels real, a general devise will pass all the estate of the devisor, ib.
a remainder over after a devise for life of a chattel is good by way of executory devise, 230
bonâ fide sale of, by executors, good against creditors, I. 234

CHEESE, tithable, III. 45

CHESTER, Court of the city and county of,
fines might be levied there, V. 102
how such fines could be reversed, 235
recoveries might be suffered there, 338

CHIEF JUSTICE OF THE COMMON PLEAS,
might take the acknowledgment of fines, V. 106

CHIEF RENTS, III. 274

CHILDREN,
the word *children* is a good description in a devise, VI. 169
effects of the word *children* in creating an estate tail in a devise, 239
the rule in Shelley's case does not apply to this word in a devise, 290
posthumous. See *Posthumous Children* and *Infants* in ventre matris.

CHIROGRAPHUM, V. 70

CHIROGRAPH OF A FINE, V. 82. See *Fine*.

CHOSE IN ACTION, ENTRY, OR RE-ENTRY,
not assignable at law, II. 4. IV. 89. 95
except to or by the king, 96
the assignment of a chose in action will be protected in equity, ib.
the assignee takes subject to all equity to which it was liable, ib.

CISTERCIANS, exempted from tithes, III. 53

CITIES CORPORATE, COURTS OF,
fines might be levied in them, V. 105

CLAIM,
of continual claim, I. 50.
abolished by stat. 3 & 4 Will. 4. c. 27. ib.
force of the word *claim* in a release, IV. 78
claim requisite to avoid a fine, V. 242, 243
CLOVER, when tithable, III. 41
CODICIL, VI. 6
when must be separately attested, 57
when a codicil giving legacies is not within the statute of frauds, 64
is sometimes a revocation of a will, 80
sometimes a republication, 114
may explain a dubious expression in a will, 136.
COGNIZEE and COGNIZOR,
of a statute or recognizance. See *Estate by Statute*, &c. II. 38
of a fine. See *Fine*, V. 78
COLLATERAL CONSANGUINITY, III. 319
COLLATERAL DESCENTS. See *Descents*, III. 334—341. V. 161
COLLATERAL POWERS. See *Powers*.
COLLATERAL SATISFACTION,
does not bar a right to an estate of freehold, I. 187, 188
COLLATERAL WARRANTY, IV. 359, 360. See *Warranty*.
COLLATIVE ADVOWSONS. See *Advowsons*.
COMITES,
or vassals, original system of, I. 5, 6, 7
COMMISSIONERS OF BANKRUPTCY,
may dispose of bankrupts' estates tail, I. 293
how they should act with respect to copyholds to avoid paying double fines, ib.
COMMISSIONERS under a writ of dedimus potestatem, V. 107
COMMON,
is an incorporeal hereditament, III. 2
nature of, in general, 65
a right to, cannot be devested, 72
Common of pasture,
described, 65
a recovery could not be suffered of it, for it lies not in demesne but in profit, V. 340
Common *appendant*, what, III. 65, 66
can only be claimed by prescription and not by custom, 66
must be appendant to land which can be presumed to have been originally arable, ib.
to a cottage in respect of its curtilage, ib.
to what cattle restrained, ib. 67
may be apportioned, 72, 73
for *all* beasts *levant* and *couchant* cannot be granted over, 68

COMMON—*continued.*
Common *appurtenant*, III. 67
how differs from common appendant, ib.
to what cattle not usually commonable, and to what number limited, ib.
for *all* beasts *levant* and *couchant* cannot be granted over, but for a limited number of beasts may, 68
when may be apportioned, 73
Common because of *vicinage*,
to what cattle and what lands restrained, 68
one commoner may inclose against another, 78
Common in gross, 69
Stinted common, ib.
Common of estovers, ib.
may be appendant or appurtenant to a house, 70
is not capable of apportionment, 73
Common of turbary,
can be appendant or appurtenant to a house, 70
will pass by the words cum pertinentiis, 71
Common of piscary, ib.
cannot be apportioned, 72, 73
Common annexed to copyholds, 71
rights of the lord, as to mines, quarries, trees, brick-earth, clay-pits, &c. 73—75
rights of the commoners, 75
approvement of, 76
inclosure of, 80, 81
usually effected by act of parliament, 81
A right of common may be extinguished by,
release, ib.
unity of possession, ib.
severance, 83
enfranchisement of copyholds, ib.
enfranchisement does not destroy a right of common in equity, ib. 84
A right of common,
may be revived, 84
previously to the late statute on descents, did not descend to the half blood, 351
will pass by,
bargain and sale. IV. 100
covenant to stand seised, 107
lease and release, 115
could not be barred by fine, for it could not be devested, III. 72. V. 228
cannot be discontinued by tenant in tail, because it lies in grant, 219
Commons could not be conveyed to uses before the statute I. 341

COMMON—*continued.*
partition on inclosure of, II. 413
entailable, I. 73
COMMON, ESTATES IN. See *Tenancy in Common.*
COMMON LAW,
dower at common law, I. 153
conveyances deriving their effect from the common law, II. 262. 330. IV. 45, 46
effects of a fine at common law, V. 148. See *Fine.*
COMMON PLEAS, COURT OF,
rules of court as to levying fines, V. 75, 76, 77. 79. 87. 108. 111. 112
fines of ancient demesne lands could not be levied there, 104
fines of freehold estates could be levied there only, 101
fines of copyholds could not be levied there, 120. 183
rules of court as to suffering recoveries, 273. 314. 317
recoveries could in general be suffered there only, 338
CONCLUSION OF A DEED, IV. 26
CONCORD OF A FINE, V. 78. See *Fine.*
CONCURRENT LEASES, IV. 169
CONDITIONAL FEES, I. 55. See *Estate in Fee.*
CONDITIONAL LIMITATIONS, II. 238.
distinguished from conditions, 33. 37. 238
barred by fines and recoveries, V. 188. 390
CONDITIONAL PURCHASES, II. 74.
CONDITIONS,
nature of, described, II. 2
when once performed are thenceforth entirely gone, I. 68. II. 27
cannot frustrate the grant precedent in any thing expressed or implied if naturally incident to the thing granted, 2. 4, 5
are either expressed, viz. in deed; or implied, viz. created by law without express words, 2
implied condition that grantee shall not commit felony or treason is annexed to grant of every estate, ib.
implied conditions annexed to certain estates, ib.
things prohibited by law may be prohibited by condition, 5
are precedent or subsequent, 2
little difference between them, when, 17. 30
conditions are construed precedent or subsequent, according to the intention of the parties, IV. 354
distinction between them where performance becomes impossible by act of God, and of the person creating the conditions, II. 27
when subsequent, 228.
the whole of a condition precedent copulative must be performed before any estate can arise, 24

CONDITIONS—*continued.*
when a contingency annexed to a preceding estate is a condition precedent, and when not, II. 221, &c.
a condition annexed to a power of leasing given to a tenant for life is precedent, IV. 158
a preceding executory limitation is not a condition precedent, VI. 412, 413
for enlarging estates, II. 2, 3. 239
condition of re-entry for non-payment of rent, III. 286
tenant will be relieved against on paying up his arrears, II. 31
leases may determine by condition, IV. 60
condition of re-entry implied in an exchange, 357
distinction between a condition and a defeazance, 89
not warranted by a power are void in an appointment under it, 204
by what words created in deeds, 352—354
powers substituted for, in settlements, 134
by what words created in wills, VI. 353
a collateral condition to take place after an estate tail might be barred by a recovery, V. 390
cannot be devised, VI. 25
as to things executed, a condition must be created at the time of making the estate, II. 3.
as to things executory, as rents, &c. it may be made after, ib.
a condition must defeat the whole estate, ib. 232. 238
the benefit of a condition can only be reserved to the donor and his heirs, not to a stranger, 4. 33. 254
contingent remainder, when may be limited on, 238
are sometimes void,
if against law, 4
or repugnant to the nature of the estate, ib. (See instances of such void conditions, *infra.*)
where partly good, and partly void, 5, 6
what conditions are void in a bond, IV. 92
in what case a bond would be valid where a condition is void, II. 6
in what case it will not, ib.
are binding in grants to infants and married women, 26
distinguished by necessity of re-entry, on breach, from conditional limitations, 33. 37. 238
apportionment of, II. 36, 37
destruction of, 37
how far a condition annexed to an estate in remainder is construed to extend, 223, 224
condition on which a contingent remainder may be limited, 238
enlarging estates on condition, 239
a fine ought not to be levied on condition, V. 82
is inserted in the deed by which the estate is created, IV. 89. 90. See *Defeazance.*
conditions in restraint of marriage, II. 5

CONDITIONS—*continued.*
conditions restraining marriage without consent, are good, II. 14
whether they are precedent or subsequent, ib.
cannot be dispensed with when precedent, 15
effects of a devise over on breach of condition, ib. 20—22. 37. 238
are construed strictly in favour of the parties restrained, 19—21
for they are in the nature of penalties, 19
when they are subsequent, *without* a devise over, they are considered merely *in terrorem*, 15. 20
condition restraining a lady from marrying a Scotchman, is good, 19
are good, if marriage is only in part restrained, and not altogether prohibited, 22
in restraint of a widow's second marriage good, ib.
to what estates a condition may be annexed,
an estate in fee simple, 3.
condition annexed to it, that donee
shall not take the profits, is void, 4, 5
shall not alien, is void, 5
condition annexed to, that the tenant
shall not alien to a particular person, is good, ib.
shall not alien in mortmain, is good, 2. 5
an estate tail, 3
condition annexed to, that donee
shall not marry, is void, 5
shall not alien a greater estate than for his own life and those of his heirs, is good, ib. 7
shall not make a lease for twenty-one years or three lives, according to stat. 32 Hen. 8. is good, 6
shall not suffer a recovery, is void, 6. IV. 330, 331. V. 382
that the estate shall determine as if the tenant were dead, is void, II. 4. 233
restraining donee's power of barring an entail is void, 6. IV. 330, 331. V. 381
an estate for life or years, II. 3
conditions may be annexed to it,
that donee or lessee shall not grant over his estate, or let the lands to another, 7
that lessee shall not alien except with lessor's consent, or shall not let except from year to year, ib.
that lessor shall re-enter on alienation by lessee, or non-payment of rent, 4. 7. 9
in what cases equity will relieve against such conditions, 31. IV. 73. n.
are construed strictly, II. 7
affect the original lessee only, and not his assignees, ib.

CONDITIONS—*continued.*
an estate for life or years,
except a defeasance be executed to determine the lease on alienation by the assignee, II. 7. n.
do not extend to an under lessee, 8
unless there are special words, 9
nor to sale of leases by execution, unless fraudulent, 10, 11
that lessor shall re-enter on tenant's committing act of bankruptcy, whereupon commission shall issue, 12
acceptance of rent often cures forfeiture of lease under conditions against alienation by tenant, IV. 72
implied condition annexed to every estate, II. 2
where condition annexed to an estate is or is not precedent, to give effect to ulterior limitations, 221. 228
Performance of conditions:
condition which creates an estate,
is to be performed as near the intent as possible, 23
condition which destroys an estate,
must in general be taken strictly, ib.
where a condition becomes impossible, it must be performed as near the intent as possible, ib.
every person interested in the condition or the lands may perform it, 24
at what time, 25
at what place, 26
who are bound to perform it, ib.
effect of its performance, 27
what will excuse non-performance, as *e. g.* its becoming impossible by act of God, or of the obligor or obligee, 27—30
condition consisting of two parts, of which one is impossible when created; the other must be performed, 27
otherwise, if the one became impossible by act of God after made, 27, 28
by what act or default of the obligee it will be excused, 28
equity relieves against, if a compensation can be valued or measured in damages, 15, 30
aliter, if no such compensation can be made, 31
and will decree a reconveyance of the estate, 32
Entry for a condition broken, ib.
the only mode of taking advantage of breach of condition is by entry or claim, ib.
demand of rent must be made at sunset of day on which payable, in order to, III. 283
when countervailed or unnecessary, II. 33
who may enter, 4. 33
grantees of reversion may enter, though strangers, 35
effect of, ib. 36

CONDITIONS—*continued.*
does not defeat copyhold grants by feoffee in fee of a manor on condition, II. 36
sometimes defeats them if made after the condition broken, ib.
a right or title of entry for condition broken might be barred by fine, V. 188

CONFIRMATION,
definition and technical words of, IV. 82
by disseisee to disseisor, gives a fee without the word *heirs*, 83
does not strengthen a void estate, ib.
or give a larger estate by words of increase of the estate, ib.
a fine might operate as a, V. 212
with warranty, previously to stat. 3 & 4 Will. 4. c. 74. created a discontinuance of an estate tail, I. 78
of a voidable lease. See *Acceptance of Rent, Lease.*
a deed intended as a bargain and sale, but not such for want of consideration, will enure as, IV. 249
of incumbrances or conveyances of tenant in tail by recovery, V. 396, &c.

CONSANGUINITY, III. 319

CONSIDERATION,
upon what consideration a deed may be founded, IV. 23. and how proved, 254
different kinds of, 24
is either express or implied, ib.
a devise imports a consideration, VI. 7
a trust results on a conveyance without consideration, I. 394
what consideration will induce a court of equity to supply a defective execution of a power, IV. 222
how far the consideration of marriage extends, 442. See *Marriage.*
what is intended by a good consideration, 436
In what conveyances necessary,
a bargain and sale, 24. 101
a covenant to stand seised, 24. 108
what consideration required in a lease and release, 115, 116. V. 310.
not necessary in a declaration of uses, IV. 120
nor in an assignment of a lease for years, 88, 89

CONSIMILI CASU, writ of entry in, by reversioner, on forfeiture of curtesy estate, I. 150

CONSTRUCTION,
of deeds, IV. 242. See *Deed.*
of devises, VI. 135. See *Devise.*
of devises cy. pres. 151
of king's grants, V. 53. See *King's Grant.*
of private acts, 12. See *Private Act.*

CONTINGENCY,
when a condition precedent, II. 221
when a condition subsequent, 228
upon which a remainder may be limited, 230. See *Remainder.*
upon which an executory devise may be limited, VI. 380, 381. See *Devise.*
CONTINGENT ESTATES,
are devisable, II. 333. VI. 26, 27. 424
are assignable, and passed by a fine, II. 333. VI. 425
are descendible and transmissible to heirs and executors, 426
CONTINGENT REMAINDERS. See *Remainder*, II. 204
CONTINGENT USES. See *Uses*, I. 363. II. 262
CONTINUAL CLAIM, I. 50. III. 312, 313
in case of a fine, V. 242, 243
abolished, I. 50. III. 312, 313. V. 242
CONTRACT, privity of, IV. 375, 376. V. 157
CONVEYANCES,
derived from the statute of uses, I. 365. IV. 24. 97. 107. 125. 128. See *Uses.*
to charitable uses, 21
common law conveyances, 45, 46. 113
which are fraudulent under the statutes 13 and 27 Elizabeth, 423
void and voidable conveyances. See *Void* and *Voidable.*
what deeds operate with or without transmutation of possession, 97, 98. I. 367
COPARCENARY,
estate in coparcenary,
arises, where a person seised of lands in fee simple, or in tail, dies leaving only daughters, sisters, aunts, or other female heirs, II. 391
also where all the male children take by gavelkind and other customary descents, ib.
subject to curtesy and dower, I. 147. 162. II. 394
may be extended, 54
how an advowson may be held in, III. 17
in an office, 106, 107
Coparceners,
may be at common law (*e. g.* females), or by custom, as in gavelkind, &c. (males) II. 391
resemble joint tenants,
in having the same unities of interest, title, and possession, 391
the entry of one enured to all, 392
possession of one previously to stat. 3 & 4 Will. 4. c. 27. was possession of all, ib. V. 227
perception of profits by one does not amount to an expulsion of another, II. 392

COPARCENARY—*continued.*
Coparceners,
nor can one be disseised by another, but by actual ouster, II. 392. Q. ib.
differ from joint tenants,
in always claiming by descent, 391, 392
no unity of time is required, 392
have several freeholds for most purposes, ib.
have no right of survivorship, 394
may enfeoff each other, IV. 50
coparcener who enters specially claiming the whole land, gains her sister's moiety by abatement, II. 392. Q. ib. 402, 403
but her dying seised does not take away her sister's entry, 392
present to a living by turns, and according to seniority, III. 17
may make leases jointly or severally, IV. 68
beneficial privileges of eldest sister descend to her issue, and go to her assignee, II. 395
every parcener may sever her own moiety, and carry it into the family into which she marries, 397
may release to each other without the word *heirs*, IV. 278, 279
such release enures by way of *mitter l'estate*, 78
might levy fines, V. 119
such fines enured by way of grant, 212
where a fine levied of the whole estate by one coparcener was not an ouster of the other, 227
entry of one coparcener was sufficient to avoid a fine, 246
some incorporeal hereditaments not divisible by, II. 397.
mode of enjoying them, ib.
may be destroyed by
alienation to a stranger by one of the coparceners, II. 394
the whole at last descending to one of the coparceners, 398
Partition,
voluntary partitions, 394
writ of partition, inquisition, and judgment, 395, 396
in equity, 397
of a deed of partition, IV. 77
can only be made by deed or agreement in writing since stat. of frauds, II. 395
tenant by curtesy might have had writ of, 396
statutes respecting, do not extend to copyholds, ib.
what may be divided by, and how, ib., 397
incidents after, as vouching for warranty, eviction, rent for owelty, or equality of partition, &c. 397. 412
rent for equality of partition, is called a rent charge of common right, III. 273
under inclosure acts, II. 413

COPYHOLDS. See *Alienation by Custom.*
origin of, is from villenage either pure or privileged, I. 42. 222
defined by Littleton, 254. described, ib.
free copyholds, 43. 254
distinguished from customary freeholds, 255
when the freehold is in the lord, 255—257. 268
in what case copyholder may be deemed a freeholder, 48
inferior in point of interest to estates for years, 254
are excepted from stat. 12. Car. 2. c. 24. 43
are not within statutes of uses, jointures, or wills, 194. 291. 354
are within stat. frauds as to sales and declarations of trust, but not as to devises of lands, 291
what statutes extend to, and what do not, 275. 291
are within the stat. 3 and 4 Will. 4. c. 74. 291. V. 184
and the stat. 3 and 4 Will. 4. c. 106, I. 283
entails of, barred by surrender to use of will, VI. 38
Circumstances necessary to their existence,
a manor, I. 259 See *Manor.*
a court baron or freeholder's court, or a customary court, 17. 259, 260
held by grantee of the inheritance of the copyholds, 260
having a steward, ib.
who may appoint a deputy, ib. 261
may by custom be held out of the manor, but usually within it, 261
the lands granted must have been parcel of the manor, ib.
and demised and demisable by copy for time immemorial, ib. 262
lord may enter on the copyholder, as on his tenant at will, if the time is not sufficient to make good a custom, 262
incidents to, 280
are held by fealty and other services, 268. 280
are descendible, 283
are alienable and devisable, ib. Exception, ib. See *Alienation by Custom.*
may, by general custom, be leased for a year, 284
and for years by licence of lord, ib. 309. IV. 68
previously to stat. 3 & 4 Will. 4. c. 104. were not liable for debts even of record, or to the crown, I. 284
nor assets in the hands of the heir to pay specialty debts, as freehold lands were, ib.
but are now liable to debts of every description, ib.
are liable to freebench, ib. or dower, ib. 154
freebench, how barred. See *Freebench.*
are by custom only liable to curtesy, 149. 290
are excepted from stat. 12 Car. 2. c. 24. 43

COPYHOLDS—*continued.*
are not within the statutes of uses and jointures, or wills, I. 194. 291. 354
nor the statutes 29 C. 2. and 14 Geo. 2. for appropriating estates *pur auter vie*, 275
nor the statutes respecting partitions, II. 396
are within the statute of frauds as to sale of lands and declarations of trust, but not as to devises of lands, I. 291
whether the statute De Donis extends to, when the custom co-operates with it, 273, 274. 291
generally, what statutes extend to, and what do not, 274, 275. 291
extinguished by union with the freehold, even for an estate for years, 325, 326
equitable lien on, by deposit of copy of court roll, II. 69
common annexed to, III. 71
Trusts of
are not subject to dower, I. 410, 411
pass without surrender, V. 452
the lord is bound by, upon the death of trustee without heir, I. 390
escheat, III. 401
are within the statutes of limitation, 453
are part of the demesnes of a manor, I. 254. 261. IV. 161
are excepted from the register acts, 446
a person having the freehold may bar a copyhold by fine, V. 183
are not within the statute 11 Hen. 7. for preventing jointresses from levying fines or suffering recoveries, 451
nor within the statute 32 Hen. 8. for preventing husbands seised jure uxoris, from levying fines or suffering recoveries, ib.
previously to stat. 3 & 4 Will. 4. c. 104. were not liable to judgment debts, 462
nor could be extended by elegit, II. 54
Copyhold customs,
distinguished from those relating to freeholds, I. 266
how proved, ib.
are general or particular, ib.
particular customs construed strictly, ib. 276
alienation contrary to custom creates a forfeiture, 308
Copyhold grants, I. 269. See *Alienation by Custom.*
may be made out of the manor, 272
who may grant copyholds,
all lords of manors, 269, 270
if they have a lawful estate, and are not tenants at sufferance, disseisors, &c. 271. and see II. 36
although under personal disabilities, I. 271
being tenants for life, may grant copyholds in reversion, ib.
a steward may, 271, 272

COPYHOLDS— *continued.*
Copyhold grants,
to whom may be made, I. 272
to all persons capable of taking by grant at common law, ib.
not to corporations, 273
what destroys the custom of granting copyholds, 263, 264. 324
escheat or forfeiture to the lord does not, 262, 263
who may destroy such custom, or who not, 264
what may be granted as copyholds, ib. 265
a grant of part of waste of manor without consent of homage seems bad, except by custom triable at law, 263
estates in fee or in tail may be granted, 273
estates for life or lives may be granted, 274
no general occupancy of a copyhold, 275
but special occupancy is allowed, ib.
trusts of copyholds granted for lives, 398
must be conformable to the customs, 276, 277
are paramount to several other estates, prior to them in time, 279
are not subject to the prior charges of the lord, ib.
not defeated by entry for breach of condition imposed on the grantor, ib. II. 36
no trustees necessary to support contingent remainders of, 286
Copyhold jurisdictions,
in what manner, and in what courts, copyholders must sue and be sued, I. 267
jurisdiction assumed by equity, ib. See *Equity*.
Lord of the manor, his rights, &c. in general, I. 268
his will must be conformable to the custom of the manor, 254
may grant out by copy lands coming to him by forfeiture or escheat, and which have been immemorially so granted, 262, 263. 328.
timber on copyholds generally belongs to, 281, 282
is a party to every alienation by copyholder, 293
cannot dig for mines in a copyhold without a custom, 268. 282, 283
when may cut timber on lands of copyholder, 282
cannot bring a bill in equity against a copyholder to compel him to be admitted, 316
may bring a bill of discovery to ascertain copyhold lands, ib.
may dispense with a forfeiture, 268. 318, 319
unless he is lord of the manor by wrong, 319
is the only person who can take advantage of a forfeiture, 320
dominus pro tempore, as *e. g.* lessee for years may take such advantage, ib.
not compellable in equity to grant his copyholder a licence of alienation, 322, 323
Copyholders,
may maintain trespass against the lord for ouster, 254

COPYHOLDS—*continued.*
Copyholders,
owe fealty to the lord, I. 280
have an interest in, and may inspect, the court rolls, 261
may have what interest in copyhold, 273
estate in fee, ib.
in tail, ib. 274
if warranted by custom, 274
for life, ib.
by special occupancy, 275
but not by general occupancy, ib.
are subject to the performance of services, as *e. g.* suit of court as one of the homage, &c. 261. 280
are entitled to estovers, 280, 281
cannot commit waste without particular custom, 281
for life,
cannot even by custom cut down timber trees at pleasure, 268. 282
punishable for permissive waste, 283
in fee or of inheritance,
cannot without a custom dig for mines, nor without the licence of the lord dig in new mines, 282
will not be restrained from cutting timber trees by a court of equity, ib.
abusing a right to cut timber, incurs a forfeiture, ib.
not generally entitled to common, III. 71
may make leases for one year, I. 284. 308
what excuses them from services, 311
the possession of a lessee is the possession of the copyholder, 288. III. 391
how they must prescribe in a que estate, 422
could not levy fines in the court of Common Pleas, V. 120. 183
Bankruptcy of copyholders,
now vests their copyholds in the commissioners, I. 293
excuses from services, 311
fines were formerly due on admitting the assignees, 293
how the commissioners should act to avoid doubling the fines, ib.
insolvent copyholder must convey his copyhold to assignees, 293, 294
does not excuse from heriot, 305
Admittance,
on surrender. See *Alienation by Custom.*
necessity of, 293. 312
implies or contains a grant, 269. 293. V. 455
not compellable in equity, I. 316
fines due on, 296, 297. (*Vide infra.*)
of the tenant for life, is that of the remainder-man, 294

COPYHOLDS—*continued.*
Admittance,
who must be admitted,
heirs, III. 389. I. 292. 312
but may devise before admittance, VI. 43
devisees, 294
executors of devisee for years, ib.
alienee of commissioners of bankrupt, I. 89
who need not be admitted,
assignees of bankrupt, I. 293
assignee of insolvent, 294
remainder man, where tenant for life has been admitted, ib. 295
for his admittance is that of the remainder-man, ib.
and this, though a fine, may by custom be due on his admission, 295
a party seised *in jure alieno*, as *e. g.* a person marrying a woman being a copyholder, or being termor of a copyhold, 297
bailiff having by custom the wardship of the heir, for he is but pernor of the profits, ib.
trustees directed by testator to sell his copyholds, ib.
of infants, fême coverts and lunatics by attorney, guardian, or committee, 303, 304
descent of. See *Descent*, 283. III. 389
devises of. See *Devise*, VI. 35
Enfranchisement,
destroys right of common, but not at equity, III. 83
Extinguishment of copyholds, I. 324
every thing amounting to a determination of the copyholder's will to hold no longer, extinguishes it, 325
by surrender to the use of the lord, 324. VI. 468
by release to the lord, I. 325. VI. 468
by conveyance of the freehold by the lord to the copyholder, I. 325, 326
by escheat or forfeiture, 262. 328
by the lands ceasing to be demisable, 328
by enfranchisement, 326
enfranchised copyholds must be held of the lord paramount, 327
the lord who enfranchises must be seised in fee simple, or have power to convey the fee simple to the copyholder, 328
when it will destroy a right of common, III. 83
not in equity, ib.
suspension of copyhold, I. 328, 329
fines to which copyholds are subject, 292
origin of, ib.

COPYHOLDS—*continued.*
fines to which copyholds are subject,
only due on admittance of new tenant, I. 296. and on alteration of the estate, 294
are not assessed for the particular estate, but for the whole inheritance, ib.
are saved by 12 Car. 2. c. 24. 293
upon descent, 292
upon special occupancy, ib. 302
upon voluntary admittances, implying grants, 292
in some manors, on admissions of tenants by the curtesy and free-bench, 293
upon alienation, and why, ib.
upon a devise, 294
due from an executor of a devisee for years, ib.
in some manors on every change of the lord by the act of God, 297
in some, on the death of the last admitting lord, whether possessed of the manor at his death, or not, 300
a custom that a fine is due on every change of the lord by the act of the party, by alienation, &c. is void, ib.
not due from a remainder man after admission of tenant for life, 294, 295. Except by special custom, 295, 296
not from the purchaser on an agreement to surrender, 296
nor from remainder-men or persons seised *in alieno jure*, who need not be admitted, 297. (and see *supra.*)
how much may be demanded as a fine, 300, 301
two years' improved value is a reasonable fine in case of a fine arbitrary, 301
estimated according to the improved yearly value, 302
deducting quit rents, but not land tax, ib.
by trustees, how estimated, ib.
on voluntary grants by the lord, the fine is uncertain, ib. 303
fines for several copyholds held of the same manor must be assessed, and demanded severally, ib.
joint tenants, or tenant for life, and remainder man, joining in a grant of a copyhold, only one fine is due, ib.
aliter of tenants in common, ib. 305, 306
at what time payable, 303
how recovered, ib.
equity will not relieve copyholder against an excessive fine, 302
but will settle a general fine to be paid by all the tenants, ib.
refusal to pay is a forfeiture, 311
forfeiture of copyholds,
is worked by a determination of the copyholder's will to hold any longer, as *e. g.* by his making lease for years, 323. 325
by attainder of copyholder for treason or felony, 307
cannot be before admittance, 308

COPYHOLDS—*continued.*
forfeiture of copyholds,
alienation contrary to the custom, I. 308
leases for more than a year contrary to the custom, 284. 308. unless by lord's licence, ib. IV. 68
a bargain and sale does not create, I. 308
nor a covenant that a person shall enjoy after expiration of a lease for a year, 309
waste, 282. 310. II. 86
disclaimer of the tenure, I. 310, 311
refusing to perform services, 311
or to pay the customary fines certain, ib. 312
or, in nature of disclaimer to pay rent, 312
non-appearance in the lord's court within the time fixed by the custom, and requiring to be admitted,
of the heir, except he be beyond sea, 312, 313, 314
is not an absolute forfeiture except by particular custom, 313
of a remainder-man, 315
of a devisee, 317
of a surrenderee, unless an infant, 316
of infants or feme coverts claiming under a deed, 317
levying a fine, V. 221.
who may forfeit, and who may not, I. 317
feme covert shall not forfeit by her own act, ib.
infants or feme coverts shall not, if claiming by descent or surrender to use of a will, ib.
extent of forfeitures, 318
presentment of forfeiture by homage, when necessary, ib.
always the safer course, ib.
when and by whom a forfeiture may be dispensed with, 318, 319, 320
who may take advantage of a forfeiture, 320
where copyholder for life commits, the lord shall enter, and not the remainder man, V. 463, 464
where equity will relieve against a forfeiture, I. 320, 321. 328
where not, 321, 322. 328
is a bar of free bench, 289

CORN, tithable, III. 40
rent, IV. 66
does not go to the heir, III. 319

CORODY, 2

CORPORATE CITIES AND TOWNS,
fines may be levied in their courts, V. 105

CORPORATIONS,
may hold freeholds transmitted by descent, but cannot buy more without the king's licence, I. 53. IV. 21, 22

CORPORATIONS—*continued.*
may alien, I. 54
a limitation to a corporation not existing, is void, II. 230
cannot be seised to uses, and why, I. 340. 350. IV. 49. 100
may be cestuis que use, I. 354
may be trustees, 403
cannot be joint tenants, II. 372
may convey by deed, IV. 13
sealing deed by, with corporation seal, 27
how they must be described in a deed, 263
cannot be devisees, VI. 15, 16
Aggregate,
cannot convey by bargain and sale, IV. 99, 100
nor by covenant to stand seised, 107
take an estate in fee without words of limitation, 279
could not levy fines, V. 131
might be barred by fine and non-claim, 171, 172
Sole
cannot take a fee simple without the word *successors*, IV. 279
cannot take a chattel as successor, except in the case of the king, I. 228
cannot commit waste, except for repairs, 114. 130, 131
how restrained from waste, 131, 132
Q. whether they could levy fines, V. 131
Ecclesiastical,
are within the recent statutes of limitation, III. 454
are restrained from alienation, except according to certain statutes, IV. 13
could not be barred by fine and non-claim, V. 172. 223
a dean might be barred by fine for term of his life, 200. 224
Lay, might be barred by fine, 171
may alien their lands, IV. 13

CORPOREAL HEREDITAMENTS. See *Hereditaments.*

CORRUPTION OF BLOOD. See *Descent, Dignities.*
is the consequence of attainder for high or petty treason, or murder, or abetting, &c. the same. III. 325, 326
previously to stat. 3 and 4 Will. 4. c. 106., impeded the descent of property, I. 63. III. 323. 325
except in the case of an entail, 159. 386
produces an escheat, 398, 399

COSTS,
allowed to trustees, I. 457
allowed to a plaintiff in an action on the case in the nature of waste, 120
but not in action of waste, ib..
allowed to mortgagees, II. 88, 89

COUNTERPART OF A DEED,
admitted as evidence, IV. 9

COUNTY,
livery of seisin of lands situate in different counties, IV. 46
exchange of lands in same or different counties, 74

COURT BARON,
origin of, I. 17, 18. 30
cannot be claimed by prescription, III. 424
jurisdiction of, I. 31, 32, 33
Steward of,
is a judicial officer, 33
is not the judge, ib.
cannot hold the court alone, ib.
There cannot be a manor without having two suitors at least, 34
distinguished from a customary court, 259
where it must be held, 261

COURT CUSTOMARY,
necessary to the existence of copyholds, 259
who may hold one, and where, 260, 261
the lord or his steward is the judge of, 259

COURT OF CHANCERY. See *Chancery*, and *Equity*.

COURT OF COMMON PLEAS. See *Common Pleas.*

COURT LEET, III. 258. See *Manor.*

COURT OF PIE POWDERS, 265
incident to a grant of a fair or market, ib.

COURT ROLLS,
copyholders have an interest in them, I. 261

COUSIN,
parent may inherit as cousin to child, III. 331

COVENANTS. See *Deed.*
covenant that a married woman shall levy a fine, effect of, V. 177, 178
joint and several, IV. 370
not to let, set, or demise, restrain assignment, II. 8

COVENANT TO STAND SEISED,
is a deed deriving effect from Statute of Uses, IV. 24
operates without transmutation of possession, for it only transfers a use, 106. I. 366
what words are necessary, IV. 106
who may convey, and what may be conveyed by, 107, 108
no enrolment necessary, 108
Consideration for,
must be natural love for a legitimate child, or for a near relation, or marriage, ib. 109

COVENANT TO STAND SEISED—*continued.*
Consideration for,
and cannot be money, IV. 110
if the condition fails to raise a use, a deed of further assurance is useless, 109
need not be expressed in order to raise a use to a wife, 108
other considerations than that in the deed may be proved, 255
adopting a surname is not a sufficient, 109
if money, deed will not operate as a covenant to stand seised, 110
covenant with a stranger, that he shall enjoy the land to the use of covenantor's son, is bad, ib.
the use intended by, will only arise to the persons within the consideration, and not to strangers to it, ib.
continues in covenantor till a use arises, 111
a rent may be created by, under 27th Hen. 8. c. 10. sec. 4. 5. ib.
does not divest any estate, ib.
no use can be declared on, except to the covenantee, 112. See *Declarations of Uses.*
use remains to covenantor by implication, I. 374. IV. 246
Qu. if powers can be inserted in, 135
a power of leasing cannot be reserved on, 178
is usual, by way of provision for a younger child, 160
extinguishes a power relating to the land, 234
but not a power in gross, 235
nor a power simply collateral, 238
does not alter the estate of a tenant in tail, V. 365

COVERTURE. See *Married Women.*

CREDITORS. See *Debts.*
what conveyances are void as against them, IV. 424
a creditor by statute may redeem a mortgage after foreclosure, II. 105
devises are void as against creditors, VI. 8
where articles of agreement will prevail against a judgment creditor, II. 49
a judgment creditor may redeem a mortgage, 104

CROSS REMAINDERS,
by what words created in a deed, IV. 298
cannot be implied in a deed, ib.
may be implied in articles, 302
by what words created in a devise, VI. 343
formerly, not implied in a devise between more than two, 345
this doctrine somewhat altered, 346

CROWN,
priority of, on executions, II. 49—52
may redeem a mortgage, 105

CROWN—*continued.*
Q. whether an equity of redemption will escheat to it, III. 415
alienation of crown lands, V. 46
debts to, I. 60

CURTESY,
origin of estate by, 139
description of, 140. 149
has no moral foundation, as dower has, 140. 153
but is favoured in equity, as *e. g.* against a trust term set up against it by the heir, 147. 442
is a continuation of, and comes out of the inheritance, and not out of the freehold, 148
cannot exist unless the wife is seised of the inheritance, descendible to the issue, 143, 144. 148, 149
Circumstances necessary to,
legal marriage, or marriage *de facto*, which, if voidable, was not avoided in the wife's life, 140. 154
how the fact of marriage must be proved, 155
seisin of the wife or of her husband during her life, which must be a seisin in deed, in incorporeal hereditaments, 140, 141, 142
issue born alive in the lifetime of the mother, before or after her seisin, and capable of inheriting, 142, 143
death of the wife, 144
is a bare estate for life, 149
subject to pay the interest on incumbrances, 150
services to lord in respect of, ib.
forfeitable for alienation, or for claiming in a court of record a greater estate, ib. II. 2
but not for adultery, I. 150
no entry necessary to complete it, 149
not barred by outstanding term, 442
condition annexed to it by law, II. 2. IV. 67
Customary curtesy, and curtesy of copyhold,
construed strictly, I. 290
exists in some manors though there is no issue, ib.
is then forfeited by second marriage, ib.
sometimes subject to a fine, 293
Tenant by curtesy,
who may be, 144
husband of *donee* in special tail, 146
not aliens, or persons attainted of treason or felony, 144. 159
denizen having issue after denization, 144
his title becomes initiate by birth of issue, 147
cannot lose his right by death of the issue, ib.
must keep down interest on incumbrances, 150
entitled to the privileges his wife would have had, I. 149

CURTESY—*continued.*

Tenant by curtesy.
shall perform the lord's services, I. 150
Second husband, when shall not be,
by statute de donis, 146
in gavelkind, when there is no issue, 144
in customary curtesy, when there is no issue, 290
is punishable for waste, by whom, 150
assignee of, when so punishable, ib.
Qu. whether exempt from actions for accidental fire, ib.
may present to a living, III. 14
of estate in coparcenary was entitled to writ of partition before its abolition, by stat. 3 & 4. Will. 4. c. 27., II. 396
what leases he may make, IV. 67
of copyhold, sometimes liable to fine on admittance, I. 293
What things are liable to curtesy;
no estates in land are liable, except those of inheritance, 148
estates in fee, 57. 145
estates tail, 75. 146
except as to second husband, when, 146
conditional fees subject to curtesy before statute de donis, ib.
not divested when the estate tail is determined by failure of issue capable of inheriting the estate, ib. exceptions, 165
curtesy of, cannot be restrained by any proviso, 147
estates in coparcenary or in common, ib. II. 394. 408
land held in gavelkind, whether there is issue or not, I. 144
a caput baroniæ, or comitatûs, or castle, manor, &c. 145. III. 125
trust estates, I. 147. 407, 408
money directed to be laid out in land, 147
equities of redemption, 148. II. 95
Incorporeal hereditaments, as
advowsons, I. 148. III. 6. the tenant may present, 14
tithes, I. 148. III. 49
commons, I. 148
rents, ib. III. 291
rents and services of copyholds, where the wife is seised of the manor, I. 149
certain offices, III. 102, 103
escheated lands, 417
executory devise, curtesy attaches on the first estate, and is not defeated by its determination, VI. 374
reversions expectant on estate for years, for the freehold is in the wife, I. 141, 142. 149. II. 338
What things are not liable to curtesy;
estate let for life, before the marriage, I. 142. Qu. as to the rent.

CURTESY—*continued.*
What things are not liable to curtesy;
estates not of inheritance, as *e. g.* for life of wife, &c. I. 148
estates in joint tenancy, 149. II. 375
remainders, or reversions expectant on particular estates of freehold, I. 149
lands assigned in dower, ib.
copyholds, except by special custom, ib. 290
other exceptions, 149
dignities, III. 150
uses; for the cestui que use before the stat. 27 Hen. 8. had no legal seisin in the land, I. 342
CUSTOMS,
as they relate to copyholds and freeholds, I. 266
how far they must be observed in granting copyholds, 276—279. 308
how pleaded, III. 392. 424
distinguished from prescription by immemorial usage, 422, and from an easement, 424
alienation by custom. See *Alienation.*
a custom of barring entails of copyholds by surrender or recovery, is good, V. 481
of the country, as to timber, I. 116, 117., as to underwood, 117
CUSTOMARY FREEHOLDS, 42, 43, 44. 254
distinguished from copyholds, 254
when the freehold is in the lord and when in the tenant, 255—259
how recoveries of them were suffered, V. 478
where there is no custom of surrendering them to the use of a will, they must be devised according to the statute of frauds, VI. 69
CY PRES, VI. 151. See *Devise.*

D.

DATE OF A DEED, IV. 260
DEBTS,
real estate liable to, I. 59
an estate in dower of women (married previously to the 1st of January, 1834,) not liable to debts to the crown, or to private persons, contracted by the husband during marriage, 166
aliter of women married since that day, ib.
where a purchaser must see his money applied in discharge of debts, 450
personal estate first applied to discharge debts, 59. II. 123, 124
even where the real estate is charged with debts, exception, I. 59

DEBTS—*continued.*

and a testamentary disposition of the personal estate, or charge of debts on real estate, will not exempt it, 60. II. 125
order in which they are paid, 157
what reversions are liable to debts. See *Reversions.*
an advowson liable to debts, III. 9
land not originally subject to the payment of debts, II. 38
Crown debts,
process for recovery of, I. 60
on death of debtor, ib.
no contract with the king necessary to make a crown debtor, ib.
king's money in hand, and land-tax in collector's hands, are crown debts, ib. 61
bind lands from the time when contracted, 60.—62. 85
into whatsoever hands they pass, 62. IV. 419. 420
but not in hands of donee in tail for good consideration, for ancestor's debt contracted after the gift, I. 60, 61
nor in hands of dowress, married previously to 1st January, 1834, for debts to crown contracted after marriage, 166
nor in hands of jointress, 201
an equity of redemption is liable to, II. 102
term for years *bonâ fide* sold, is not liable to, I. 234
can only be discharged by exchequer quietus, 62
bonâ fide sale of chattels,
is good after judgment, but not after execution awarded to the crown, 234
or after execution actually sued out and delivered to sheriff, at suit of subject, ib.
all deeds void as to, IV. 419, 420
elegit for, II. 48, 49
Bond debts,
when the redeemer of a mortgage must pay them, 107
what are assets for discharging them, IV. 93
not a charge on land, II. 108
when the reversion is applied to pay bond debts of settlor, 339, 340
preferred to simple contract debts, IV. 92
are within the recent statutes of limitation, III. 457
Judgment debts,
estate for years subject to them, I. 234
trust estates, 400. 413
copyholds, 284.
reversions, II. 359
bind all the estates of the debtor, as well after acquired as otherwise, II. 48, 49. 51
when they may be tacked to mortgages, 109. 173, 174
not postponed in equity to mortgages, 158
where postponed to defective mortgages, 167

DEBTS—*continued.*
Judgment debts,
bind reversions after estates tail, II. 339
cannot be tacked to mortgages of copyholds, V. 462
Debts by simple contract,
previously to the stat. 3 & 4 Will. 4. c. 104., an estate in fee simple was not liable to, I. 58
except on the bankruptcy of the owner, 13 Eliz. c. 7., and on his death, being a trader, 47 Geo. 3. sess. 2. c. 74. ib. 59
but an estate for years was, 234
but now all estates are liable in the hands of the heir or devisee, 59
postponed to bond debts, IV. 92
Action of debt,
lies against a copyholder for non-payment of fines, I. 303
lay against an heir at law, II. 39
for non-payment of rent, III. 288
lies against a lessee of an incorporeal hereditament, 276
Devise for payment of debts. See *Devise*
conveyance for payment of grantor's debts raises no use in grantee, IV. 101

DECEIT,
fines of lands in ancient demesne were reversible by writ of, V. 240
so were recoveries of such lands, 439

DECLARATION IN WRITING,
to revoke a devise, VI. 80. See *Devise*

DECLARATIONS OF TRUST,
how construed, IV. 258
when a declaration of trust of a term in favour of an incumbrancer is equivalent to an assignment of the term, II. 186
of terms for years, by what rules governed, IV. 349. VI. 394. See *Executory Devise*, *Perpetuities*.

DECLARATIONS OF USES,
origin and nature of, I. 366, 367. IV. 118
derived from statute of uses, and transfer the actual possession to the use, 118. I. 367
must be by deed or writing, IV. 118. 126
good without technical words, 119
exception, ib.
how the lands should be described in deed of, and in the fine or recovery, ib.
good without consideration, and why, 120
in a bargain and sale, or covenant to stand seised, no use can be declared, except to the bargainee or covenantee, 112
uses may be declared on a lease and release in fee, 116. 131
who may declare such uses, 131

DECLARATIONS OF USES—*continued.*
releasee to uses cannot dissent, IV. 131
are usually inserted in the release, ib.
made prior to fines and recoveries; (viz. deeds to lead uses, 120.)
may be controlled by subsequent deed, when, 121. 127
circumstances required to invalidate, by subsequent deed, 121
second deed, how to be executed, 123
made subsequent to fines or recoveries; (viz. deeds to declare uses, 120. 125. I. 367)
must refer to the recovery in order to declare its uses, IV. 125, 126
may be controlled by subsequent deed, 125
modern practice in declaring the uses of fines and recoveries, 127
conflicting declarations of use in the same deed, ib.
who may declare the use of a fine or recovery,
infants, 128. V. 253
till the fine is reversed for infancy, IV. 141
married women, 128
idiots and lunatics, 130. V. 129. 253, 254
contrary to the grant and render of a fine *sur done*, &c. are void, 99
are considered as one conveyance with the fine or recovery, IV. 141. V. 186
a fine to make a tenant to the *præcipe* is good, without a declaration of uses, 291. See I. 371
the right to make is co-extensive with the estate, IV. 130
may contain as well powers derived from the statute of uses, as from common law, 135. 178

DEDIMUS POTESTATEM,
writ of. See *Fine*, V. 107. *Recovery*, V. 313. 347

DE DONIS CONDITIONALIBUS. See *Estate Tail.*

DEED. See *Title-deeds.*
different kinds of deeds. See *Agreement, Articles of Agreement, Assignment, Bargain and Sale, Bond, Confirmation, Covenant to stand seised, Declaration of Trust, Declarations of Uses, Defeazance, Exchange, Feoffment, Gift, Grant, Lease, Lease and Release, Mortgage, Partition, Recognizance, Release, Surrender.*
powers. See *Powers.*
alienation of lands, IV. 3. See *Alienation.*
unlimited power of, existed in England in the time of the Saxons, ib.
subinfeudation, 4, 5
statute of *quia emptores*, 5
fines for alienating lands held *in capite*, 6
abolition of military tenures, ib. 7

DEED—*continued.*
common assurances are,
deeds, or matters *in pais*, IV. 7
matters of record, ib.
customary assurances in particular places, ib.
devises in wills, ib.
nature of a deed, or charter, ib.
deed poll, 8
indenture, ib.
copies of, 9
distinction between an original and a counterpart, ib.
variance between a counterpart and the original, ib.
a counterpart admitted as evidence, ib.
transfers the estate to the grantee without his assent; Exception, in case of a feoffment, ib.
nature of an article of agreement, 10. 258, 259
Who must be parties, 11
Who may convey by deed, 12
blind, deaf, dumb, &c. persons, ib. 26
the king, 12
the queen consort, ib. 13
corporations, 13
infants, in some cases, 14
marriage deed of female infant does not bind unless she assent after her husband's death, 15, 16
exception as to jointure, explained, 16. and note (*a*). I. 195
female infant may enter into agreement before marriage respecting her personal estate, IV. 16
marriage contracts by male infants, ib.
covenant by male infant to execute a power of appointing a jointure is good, ib. note (*b*).
infant trustees and mortgages, ib. 17
who is a trustee within 1 Will. 4. c. 60. 17
idiots and lunatics in some cases, ib.
and if they are trustees or mortgagees, equity will direct their committees to convey, 17, 18
married women in some cases, 18
Who cannot convey by deed;
infants, 14, idiots and lunatics, 17, married women, 18
persons attainted, 20
who may be grantees, and who may not, 21
of conveyance to charitable uses, ib. 22
upon what consideration deed may be founded, 23
of conveyances derived from the statute of uses, I. 365. IV. 24. 97
of common law conveyances, 45, 46

DEED—*continued.*
must be written or printed on paper or parchment, IV. 24, 25
before its sealing and delivery, 25
filling up blanks after execution, ib.
must be duly stamped to be produced in evidence, ib.
must contain sufficient words, ib.
formal parts of, as premises, recital, habendum, &c. ib. 26. 260—276. *See* those articles.
must be read, if required by any of the parties, 26
effect of its not being read or being read falsely, ib.
must be sealed, and in most cases signed, ib. 27, 28
effect of sealing by a stranger, ib. or by the party's attorney, 28
must be delivered by the party or his attorney, ib.
deed of corporation sealed with their common seal needs no delivery, ib.
mode of delivery, 29., to whom it may be delivered, ib.
deed cannot be delivered twice, ib. Exception, 19. 29
effect of delivery when the date is impossible, 58
delivery of a deed as an escrow, 29, 30
attestation by witnesses, 31
Construction—general rules applicable to all deeds;
deeds are construed favourably consistent with the rules of law, 242
intention, if clear, will prevail against the strict meaning of words, 243. 247
must be made on the entire deed, 244
subsequent words added for certainty, refer to the former which are indefinite, ib. 271
where certainty once appears in a deed, subsequent indefinite words refer to that certainty, 244. 269
subsequent words do not defeat precedent ones, if by construction they may stand together, 244
but the first is preferred to the latter clause, if they are contradictory, ib.
when a deed first contains special, and concludes in general words, both shall stand, ib.
but a particular recital will qualify subsequent general words of release, 245
bad grammar does not vitiate, 244
the words of a deed will be marshalled so, that that part shall precede which ought to precede, ib. 245
the same always refers to the next antecedent, ib.
aforesaid does not, ib. 246
a deed is always construed most strongly against the grantor, 245 273
and particularly in a deed poll, 245
but the words of an indenture executed by both, are the words of both, ib.

DEED—*continued.*
Construction—general rules applicable to all deeds;
the words of a deed which will bear two senses, are construed in that sense which is conformable to law, IV, 245, 246
and is sometimes *or*, in order to support the parties' intention, ib.
ancient charters must be taken according to ancient usage, ib.
no estate arises by implication in a deed, but a use may, ib.
deeds are not construed by the acts or sense of the parties, ib.
where the words of a deed are so uncertain that its intention cannot be discovered, it is void, ib.
words in a deed evidently repugnant to the other parts of it, and to the general intention of the parties, will be rejected, 247
an evident omission or mistake will be supplied in a deed, ib. 323, 324
some operation is always given to a deed, when it cannot operate as intended, 248
where a deed may enure in different ways the grantee shall elect which way to take it, 251
averment founded on parol evidence,
cannot in general be admitted to contradict or vary a written agreement, 253
but may be admitted to support or explain them with respect to collateral matters, 254, or to prove another consideration, 255
or where there is a latent ambiguity, ib., or fraud or mistake, 256
where a deed operates by estoppel, ib.
of conveyances to uses, is to be the same as that of common law conveyances, and not according to the intention, as in case of wills, 257
so of declarations of trust, 258
of articles of agreement, 11. 258, 259
Construction of the formal parts of a deed;
date of a deed,
placed at the beginning in an indenture, in a deed poll at the end, 260
priority of, 261. 445
parties to a deed, 261
how to be described, ib.
having several Christian names, ib. 262
eldest son of duke, marquis, &c. how named, 262
wife, bastard, eldest son, issue, heirs, right heirs, heirs female, corporations, how described, ib. 263
recital, and consequence of misrecital, 263, 264
general recital does not estop, but particular recital does, 264
evidence of a lost deed, when, ib.

DEED—*continued.*
Construction of the formal parts of a deed;
consideration, and receipt for it, if pecuniary, IV. 264
the grant or release of the land to be transferred, ib.
description of the lands and things granted, 265
effect of erroneous additions to the description, 269
effect of correct addition to an erroneous description, 270
clause respecting the title deeds, 271
exception and its requisites, ib.
the habendum, 272
no person can take by, if not named in the premises; exceptions, ib.
nothing can be limited in, which has not been given in the premises, ib. 273
but may abridge, or qualify, and enlarge them, 274
sometimes not controlled by the premises, 275
words of limitation and purchase. See *Rule in Shelley's Case.*
when the word *heirs* is a word of limitation, 275. 305
when a word of *purchase*, 312. 325. 327, 328
what words restrain the word *heirs*, 279
heir, in the singular, is a word of purchase, 312
the word *issue* is not a word of limitation, and will not create an estate tail, ib.
what words create an estate in fee;
the word *heirs* absolutely necessary, 277, 278
cases in which the word *heirs* is unnecessary, 278, 279. V. 95, 96. 320
thus the word *heir* may be *nomen collectivum*, IV. 278
what words create an estate tail;
the word *heirs* is necessary, 279
and a grant to a man and his *seed*, or to the *issues* or *children* of his body only, give an estate for life, ib.
the general import of the word *heirs* may be restrained to the lineal descendants of the grantee, ib.
by what words, though untechnical, ib.
the word *heir* may in a special case create an estate tail, 280
limitation to A. and his heirs with remainder over, by equity of the statute *de donis*, 281
limitation to a man and his wife, and the heirs of their bodies, 282
distinction between heirs of the body, and *upon* or *on* the body, 283
effect of a limitation to the heirs of the body of A., 284
usual mode of limiting estates tail in settlements, 285, 286
what words create an estate for life. 287, 288
what words create an estate for years or at will, 288
what words create a joint tenancy, ib. II. 364

DEED—*continued.*
Construction of the formal parts of a deed;
what words create a tenancy in common, II. 399, 400. IV. 292
what words create cross remainders, 298
cross remainders cannot be implied in a deed, ib., but may in articles, 302
application of the rule in Shelley's case, to construction of deeds, 305. See *Rule in Shelley's Case.*
perpetuities, 330. See *Perpetuities.*
of the *reddendum*, 352
Condition,
by what words created, 352.
Warranty in a deed. See *Warranty.*
described, 26
general warranty for the title, is now disused, 377
express warranty and its requisites, 355
implied warranty, 356
lineal warranty, 358
only binds the heir where he has assets, 359
effect of, as to estates tail since stat. de donis, 361
collateral warranty, 359, 360
previously to stat. 3 & 4 Will. 4. c. 74. s. 14. barred estates tail and remainders, 362. I. 92, 93
but not the reversion, IV. 363
as restrained by the statute of Gloucester, 361
where not affected by the stat. de donis, ib. 362
of a tenant in dower, is void, 365
of a person having no estate of inheritance, is void, ib.
how destroyed, 366
Covenants,
nature of described, 367
a covenant is generally an ageement to do something *in futuro*, ib.
where an agreement terminates in itself, it is not properly a covenant, but a defeazance, ib.
can only be created by deed, which may be deed poll or indenture, 368
bind the person who does not seal, or is not party to the deed, when, ib.
may be created without technical words, ib.
are construed,
most strongly against the covenantor, 369
according to the intent of the parties, ib.
ut res magis valeat quam pereat, ib.
to be performed within a reasonable time, where no time is limited for performance, ib.

DEED—*continued.*
Covenants,
implied covenants, as for quiet enjoyment, payment of rent, &c. IV. 369
determine with the interest of lessor, ib.
express covenant qualifies the generality of an implied one, 370
joint and several covenants, ib.
words of, by lessees at beginning of lease, rule all their subsequent covenants, 371
Covenants real,
described, 371
distinguished from covenants personal, 372
covenant for title is a covenant real, 381
run with the land, and bind grantee or lessee, his heirs, devisee, or assignee, ib. II. 85, 86
assignee of grantee or lessee is entitled to benefit of covenants real of lessor, IV. 372, 373
and the grantor, lessor, or his heir, may sue thereon, 373
but heir of tenant for life is not entitled to benefit of covenants made with lessor, 372
grantees, lessees, &c. of farms, &c. have like remedy against grantees of the reversions as against their grantors, (32 Hen. 8. c. 34. s. 2.) 373
grantees of reversions are entitled to the benefit of covenants, (ib. s. 1.) 375. II. 34, 35. See *Condition.*
equity will assist an assignee in enforcing, against all persons claiming under grantor of estate, IV. 373
do not bind an under tenant, who is not an assignee of the whole term, 374
assignee of the whole term is entitled to, though the rent is reserved to the original lessee, 375
bind the assignor in favour of his lessor, notwithstanding assignment and acceptance of rent, ib.
mortgagee of a lease by assignment is liable to covenants, though he never entered or became possessed in fact, II. 86
General and specific covenants;
covenant to settle lands, when a specific covenant, and a lien thereon, IV. 376
usual covenants for title to lands,
that grantor is seised in fee, 377
and hath good right to convey, ib.
for quiet enjoyment,
do not extend to the tortious eviction of strangers, unless the covenant be express, 378
in conveyances to uses, 379
free from incumbrances, 380

DEED—*continued.*
General and specific covenants;
for further assurance, IV. 380, 381
are real, and run with the land, 381
are now usually restrained, 382
and such restrictions are shaped according to the nature of vendor's title, 384
what persons are held to claim under the vendor, 386
who are bound to covenant for the title, 388
remedies of purchasers under these covenants, 389
by action of covenant, ib.
by action for money had and received, 390
there is no remedy at law or equity unless there is fraud in concealing the defect of the title, ib.
usual covenants in assignments of leaseholds, 392
covenants by vendor for production of title deeds, ib. 393
for renewal of leases, 393
are inserted in modern deeds of partition, 77
usual exception in covenants to repair, that tenant shall not rebuild in case of accidental fire, I. 133. 233
effect of a covenant, that jointure lands are of a certain yearly value, IV. 149, 150
covenant for payment of mortgage money, II. 68. 138, 139
covenant that a mortgagor shall remain in possession, 80
covenant that lands mortgaged shall be a security for money subsequently borrowed, 157
action of covenant lies for non-payment of rent, III. 288
the covenants required by a power of leasing must be inserted in the leases, IV. 176
a covenant from a tenant in tail not to suffer a recovery, binds the assets of the covenantor, V. 382
Writ of covenant. See *Fine.*
How deeds are avoided at law;
by grantee's disclaimer by deed, IV. 404
by disagreement, 406. by duress, 407
by erasure, addition, or interlineation, ib.
but not if the alteration be made by a stranger, or mere spoliator, ib.
or by some of the parties, if their situation is not affected by the alteration, ib. note (*b*).
nor a blank filled up after execution, 408
formerly by breaking off the seal; exception, ib.
by cancelling, ib.
by averment of usury, 409
Equity avoids deeds,
obtained by fraud, 410. or by misapprehension of the party, 411
for inadequacy of consideration, when, ib.

DEED—*continued.*
Equity avoids deeds,
given for procuring marriages or appointments to offices of trust, &c. IV. 411
where trustees, assignees of bankrupts, and solicitors to a bankrupts' commission, buy the estate, 412
of gift or gratuity to an attorney, while continuing to manage the donor's affairs, ib.
made by persons of a weak or deranged understanding, when, ib.
made in derogation of the rights of marriage, 413
or for an immoral consideration, *e. g.* for the price of future prostitution, 417
or if given by a married man to a woman, who knowing him to be married, was seduced by him, 419
but not if given for securing an annuity or sum of money for support of a person seduced, without any view to future cohabitation, 418
or if the bond is given on account of former cohabitation, ib.
all deeds are void as to crown debts, 419, 420
alienations before acceptance of office, are good, 421
the crown is entitled to a term attendant on the inheritance, ib. I. 429.
What deeds are void in favour of creditors and purchasers;
statutes in favour of creditors and purchasers, (13 & 27 Eliz.) IV. 423
what deeds are void by 13 & 27 Eliz. 424
deeds made with intent to defraud creditors, though made on a valuable consideration, ib.
but they are good against the grantors, 424
badges of fraud in, ib.
no creditor can avoid a fraudulent conveyance unless his debt affects the land, 425
deeds made with express intent to defraud purchasers, ib.
mere continuance in possession after conveyance executed, when not fraudulent, ib.
notice to subsequent purchaser of the preceding fraudulent conveyance, will not hinder him from invalidating it, ib.
voluntary conveyances, or conveyances without pecuniary consideration;
are void against existing creditors, 426
but not against future creditors, unless also fraudulent, ib. 427
by way of settlement. See *Settlements.*
void against subsequent *bonâ fide* purchasers for valuable consideration, 427
though with notice, 428
with power of revocation, 431

DEED—*continued.*
What deeds are void in favour of creditors and purchasers;
bad against subsequent purchaser for valuable consideration, IV. 431
what amounts to such power of revocation, 432
exception to the rule, ib.
who are deemed 'subsequent purchasers' within 27 Eliz.
purchasers for money or other valuable consideration. IV. 433
mortgagees and lessees at rack rent, ib.
voluntary conveyances bind the parties, 434
though destroyed by grantor, 435
and are good as to subsequent voluntary conveyances, 434
and wills, 435
and if the conveyance be of lands not the property of the grantor, will be construed an agreement to settle lands of equal value, 436
proviso in favour of deeds made on good consideration, ib.
settlements before, and in consideration of, marriage, ib.
or made after marriage, in pursuance of agreement entered into before marriage, or in consideration of an additional portion, 437
but a mere recital of the agreement is not evidence against creditors of its existence, ib. n.
how far the consideration of marriage extends, 442
settlement by a widow on her children, 443. See *Settlement.*
purchase by a woman from her husband, 441. n.
Registering deeds:
account of the Register Acts, 445—447
utility of these acts, 459, 460
an appointment under a power is a deed or conveyance within the acts, 448
wills of lands may be registered under these acts, 447. VI. 9, 10
the acts do not extend to copyholds, or leases at rack rent, or leases not exceeding 21 years, where the occupation goes along with the lease, IV. 447
not to chambers in Serjeants' Inn, the inns of court or chancery, nor to tenements in London, ib.
every deed under which a party claims must be registered: thus the registering an assignment is not a register of the lease, 449
registering a second mortgage is not constructive notice to the first mortgagee, who may advance more money on the first mortgage, ib. 450
notice to subsequent purchaser, at the time of purchase of a prior incumbrance, takes away the effect, 452
where a subsequent purchaser has notice of a prior incumbrance at the time of his purchase, his registering the second deed will not avail, 453

DEED—*continued.*
Registering deeds;
the notice must be fully proved, IV. 458, and nothing short of fraud will avail against the act, 459
register of annuities granted in England, 461
register of conveyances of land situate within the Bedford level, ib. 462
Enrolment of a deed,
does not make it a record, but as a private act of the parties, makes it a deed recorded to be kept in memory, 462
makes it conclusive evidence against the party enrolling, ib.
DEFEAZANCE,
described, and in what different from a condition, 89, 90
must be *in eodem modo* with the deed to be defeated, and must recite it, 90
different kinds of, ib.
distinguished from a covenant, 367
DELIVERY OF A DEED, 28
DEMAND,
force of this word in a release, 78
DEMANDANT IN A RECOVERY, V. 270
may counterplead the voucher, 311
DEMESNE, ANCIENT. See *Ancient Demesne.*
DEMESNE, AS OF FEE,
pleading by the king, I. 54
DENIZATION,
effects of, in the case of descents, as distinguished from naturalization, III. 322
may have a retrospective operation, IV. 21
denizens may be freeholders, I. 53
may hold lands purchased after denization, IV. 21
may be tenants by curtesy in respect of issue had after denization, I. 144
are entitled to dower, 159
DEODANDS, III. 257. 261
DEPUTY OF AN OFFICE, distinguished from an assignee, 105, 106
DESCENDANTS, who will take under this word in a devise, VI. 172, 173
DESCENT,
nature of descent, III. 318
descent cast on heir of disseisor, &c., previously to 3 & 4. Will. 4. c. 27. tolled right of entry, when, 318. 435, 436
acquiring title to real property by, 317. 396
what goes to the heir by, 318
consanguinity or kindred,
defined, 319
lineal and collateral, ib.

DESCENT—*continued.*

consanguinity or kindred,
method of computing by the canon law, which our law has adopted, III. 319

Heirs,
must be legitimate, ib. See *Bastard.*
and natural born subjects, 320. or persons naturalized by act of parliament, or made denizens by patent, 322
persons born out of His Majesty's ligeance, whose fathers and grandfathers were natural-born subjects, are like subjects, and capable of inheriting, 321
title may be deduced from one ancestor through another who was an alien, 322
or through one naturalized, or made denizen, ib.
effect of naturalization and denization, ib.

Persons attainted of high treason,
cannot inherit, nor before the stat. 3 & 4 Will. 4. c. 106. could transmit, ib. 398
and by corruption of the hereditary blood previously to stat. 3 & 4. Will. 4. c. 106. obstructed the descent of lands to such of their posterity as deduced title through them, 323. 325, 326
except to issue in tail in case of an estate tail, 386. I. 90
and previously to stat. 54 Geo. 3. c. 145, an attainder of any species of felony was attended with the same consequences, III. 322, 323
but a descent may now be traced through an attainted person, 325, 326
a person might inherit from one parent, though the other was attainted, 323
descent between brothers is immmediate, 325

Rules or canons of descent of estates in possession ;
I. *inheritances, or lands held in fee simple, descend lineally to the issue of the person who last died actually seised,* 327
explained, 330
nemo est hæres viventis, 328
distinction between heir apparent and heir presumptive, ib.
previously to stat. 3 & 4. Will. 4. c. 106. no person could be such an ancestor that an inheritance could be derived from him unless he died seised; for *seisina facit stipitem,* ib. 329
seisin in deed obtained by entry, was previously to stat. 3 & 4 Will. 4. c. 106. necessary in order to transmit lands to an heir, 329
and a party must have received a rent, and presented to a church, before he could become the stock of a descent, ib.

DESCENT—*continued.*
Rules or canons of descent of estates in possession:
exceptions, where heir took by descent though ancestor was not seised; *e. g.*
where the ancestor acquired an estate by his own act, III. 329
when an heir may take by descent in case of an exchange, ib.
trust estates, or equitable interests, not disposed of by will, ib. 330
a descent to the person who is heir at the ancestor's death may be defeated by the birth of a nearer heir, 330
exclusion of the ascending line previously to stat. 3 & 4 Will 4. c. 106. ib. 331
unless the child was cousin to his father or mother, 331
II. *male issue is admitted before female,*
but daughters succeed before collateral males, 332
explained, ib.
III. *of several males, all being in equal degree, the eldest inherits, but females, in like degree, inherit all together,* ib. 333. See *Coparceners.*
IV. *right of representation.*
rule described, 333.
takes place in customary descents, 388
and in descents of copyholds, 389
V. *collateral descents,*
rule described, 334
effect of fines on, V. 161
the heir must be of the blood of the first purchaser, III. 335
descents *ex parte paternâ et maternâ*, 337
what acts before the stat. 3 & 4 Will. 4. c. 106. altered *ex ex parte* descents,
a feoffment, 338
a renewal of a lease for lives, ib.
descent of an equitable and a legal estate, the one *ex parte paternâ*, the other *ex parte maternâ*, 339
devise to an heir at law in some cases, 338. VI. 125—127
and since the above statute;
all devises to heir at law, III. 338. VI. 127
and any other assurance, III. 338
what did not alter such descents previously to stat. 3 & 4 Will. 4. c. 106
a feoffment to the use of feoffor, or without a declaration of uses, 341
but a conveyance of a particular estate does not alter descent of reversion, 340
a fine in some cases, 341. 383. V. 222
and also a recovery, III. 341. V. 399
where the use resulted, III. 341

DESCENT—*continued.*
Rules or canons of descent of estates in possession,
VI. *proximity to collateral ancestor last seised must be by whole blood*, III. 341
previously to stat. 3 & 4 Will. 4. c. 106. the half blood was excluded, III. 342, 343
but may now inherit, 343. 398
the ancestor must have been actually seised in deed to exclude the half blood, 344
what seisin made a *possessio fratis*, ib. 390
to what estates this doctrine applied, 350. 429
trust estates, for they descend in the same manner as legal estates, I. 407. III. 339. 350
an equity of redemption, II. 92
advowsons, III, 350. what seisin was necessary, ib.
tithes impropriate, 49. 350. what seisin was necessary, ib.
rents, ib. what seisin was necessary, ib.
offices, courts, liberties, franchises, and commons of inheritance, 351
remainders and reversions, where an act of ownership had been exercised, 382, 383
lands held in gavelkind, 387
copyholds, 389
uses, how descended before the statute, I. 344
possessio fratris applied to, III. 350
VII. *male stocks are preferred to female in collateral inheritances*, 351
mode of tracing an heir at law, ib. 352
observations on Blackstone, 354
of estates in remainder and reversion:
remainders and reversions previously to stat. 3 & 4 Will. 4. c. 106. descended to the heirs of the first purchasers of them, at the time when they come into possession, 378, and why, 379
but now descend to the heir of the person last entitled, 380
no exclusion of the half blood took place, ib. 381
but an act of ownership, exercised over his estate by a remainder-man or reversioner, operated as a seisin, so as to make him a new stock of inheritance, 382, 383
descent of contingent remainders, II. 331
of estates tail, III. 385
an estate tail descends to the lineal heirs of the original donee, or first purchaser, ib.
and the half blood is not excluded, 386
not impeded by corruption of blood, ib. I. 68
nor governed by the maxims, *seisina facit stipitem*, or *possessio fratris*, III. 386

DESCENT—*continued.*
of lands held in gavelkind,
is among the sons as coparceners, and in their default, among all the daughters, in like manner, III. 387
and a female may inherit, together with males, by representation, III. 387
previously to stat. 3 & 4 Will. 4. c. 106. excluded the half blood, 388
cannot be altered by any limitation of the parties, 389
of lands held in Borough English,
the custom of descent to the youngest son extends to estates tail and descendible freeholds, 388
right of representation takes place in, ib.
does not extend to collateral descents, as *e. g.* between brothers; exception, 389
cannot be altered by limitation of the parties, ib.
of lands held by copy of court roll, or copyholds,
is in general the same as that of estates held in socage, ib.
but may be otherwise by custom, ib.
right of representation takes place in, 390
descent *ex parte paternâ et maternâ*, ib.
previously to the late statute on descents, half blood excluded, ib.
the estate acquired by the heir's entry before admittance, was a seisin sufficient to establish a *possessio fratris*, ib.
possession of a lessee is possession of copyholder, I. 288. III. 391
fines are due on, I. 292
customary descent in general,
construed strictly, III. 391, 392
special customs of descent must be specially pleaded except gavelkind and Borough English, 392
by what evidence to be proved, 393
of a feud, I. 14
rules by which it was governed, ib. and see III. 385
of an equity of redemption, II. 94
of offices, III. 98, 99. 351
of dignities, 186. 188, 189. 218
of estates by prescription, 429
of an estate limited to the heirs of the body of A., IV. 284
distinction between descent and purchase, III. 397
DESIRE, words of,
do not create a devise, VI. 158
where they will raise a trust in a devise, 161
DE VENTRE INSPICIENDO, III. 320
DEVEST. See *Bargain and Sale, Covenant to stand Seised, Lease and Release.*
meaning of the word, V. 225
devesting of remainders limited by way of use, II. 262

DEVEST—*continued.*
rent cannot be devested, III. 294, 295. 453
nor can a right of way or common, V. 228
no estate which was not devested could be barred by a fine and non-claim, 225
DEVISE,
origin and nature of devises, VI. 3
etymology of the word devise, ib.
statutes of wills, 4, 5
nature of a devise under these statutes, 6
distinguished from a testament, ib.
of a codicil, 6. See *Codicil.*
no particular form necessary for will or codicil, 7
transfers the freehold, ib.
imports a consideration, ib.
imports a bounty, and not a satisfaction, I. 178. 214. 218. 377
of real estate is a bar to dower, 161
is void against creditors, VI. 8
need not be proved in the ecclesiastical court, 9. Exception, ib.
may be proved in chancery, 70
a will executing a power retains all its properties, IV. 196
the original will must be produced in evidence, VI. 9
may be registered in Yorkshire and Middlesex, ib. 10
Who may devise, 12
the king, ib.
the queen consort, 13
Who are disabled from devising, 13
infants, unless by special custom, 5, 6. 13
an infant may devise the guardianship of his children, 13
married women, ib. Exception, ib.
idiots, and persons of nonsane memory, 14
the proof of idiocy, or nonsane memory, lies on the party charging it, ib.
a woman whose husband is banished for life by statute, or has abjured the realm, may devise, 13, 14
a removal of disabilities does not establish a will made during such disabilities, 14
Who may be devisees. See *Devisee.*
must submit to the whole will, 16
What may be devised,
estates in fee simple, 22
conditional and base fees, ib.
estates for lives, ib. 23
chattels real, 23
a use was devisable before statute 27 Hen. 8. c. 10. I. 344. VI. 23
trust estates, 23. 67
lands contracted for, 23

DEVISE—*continued.*
What may be devised,
there must be express articles, or an agreement, binding within statute of frauds, VI. 33
a parol agreement, confessed so as to bind the parties, notwithstanding statute of frauds, is good, 24
devisor must continue seised of, or well entitled to the lands, from the making his will to his death, 33
an equity of redemption, 25. II. 94
mortgages, VI. 25
advowsons, 26
any number of presentations may be devised, ib.
rents, ib.
tithes in the hands of laymen, ib.
franchises, ib.
contingent estates and interests, ib. 27. II. 333
but the person must be ascertained, VI. 27
terms for years, acquired after the execution of a will, pass by it, 34
a reversion, 384
estates *pour autre vie*, 22, 23
a rent granted *pour autre vie*, III. 290
lands allotted subsequently to the will, VI. 32
copyholds. See infra, *Devises of Copyholds.*
What cannot be devised,
mere possibilities, without any interest, 29
share of estate held in joint tenancy, if will made before partition, ib.
rights of entry, 30
What seisin required in the testator,
he must be seised, or entitled at the time of making the will, and continue so till his death, 33
exceptions,
tenancies escheated—copyholds purchased, 33, 34
terms for years, 34
Circumstances required by the statute of frauds, 47
writing, ib.
the devise must be reduced into writing before the death of the testator, ib.
the will may be written at different times, and on different sheets of paper, ib.
signing and sealing, ib.
if the testator's name be written by himself, in any part of the will, it is sufficient, 48
Qu. whether sealing is a sufficient signing, ib.
the want of signing all the sheets cannot be supplied, ib.
a declaration of a testator, before witnesses, that a paper was his will, held equivalent to signing it before them, 49—51

DEVISE—*continued.*
Circumstances required by the statute of frauds,
Attestation,
by three witnesses, VI. 49
where a testator owns his hand-writing before the witnesses, it is sufficient, ib.
an attestation by witnesses setting their marks is good, within the statute, 51
whether wills and codicils must be separately attested, 57
of codicil, establishes will, when, 58
the witnesses should see the whole, 51
the witnesses must attest in the presence of the testator, 53
the attestation need not mention that the witnesses subscribed in the presence of the testator, but the fact triable by jury, 54
the witnesses may attest at different times, 55
who may be witnesses, 60
trustees and executors taking no beneficial interest, ib. 61
a person cannot empower himself to give lands by a will or codicil not duly attested, 62, 63. 65
Publication, 61
delivery of a will as a deed is sufficient, 62
What devises are within the statute of frauds:
wills that charge lands, 63, 64
except wills or codicils giving legacies, 64
wills of trust estates, 67
wills of mortgages and equities of redemption, ib.
wills of customary freeholds, where there is not a custom of surrendering them to the use of a will, 69
wills of terms for years, attendant on the inheritance, 70
but not wills of copyholds, 68. Exception, ib. 69
or of terms for years not attendant, 69, 70
wills made abroad are within the statute, 70
the execution of a will may be proved in chancery, ib. 71
Revocation:
all devises of lands are revocable, 72, 73
by what methods, as pointed out by statute of frauds, 73
express revocations:
a subsequent will revoking, or inconsistent with, a former one, ib.
a subsequent will not always a revocation, 74
where the revocation proceeds on mistake or deception, 82
but if the revocation proceeds on doubt it will be good, ib.
where the contents of a subsequent will are unknown, it is not a revocation, 74, 75
although a subsequent will be void, from the disability of the devisee, it will be a revocation, 73
two inconsistent wills of the same date are void, 78
a second unattested will revokes legacies, 79
a codicil has the same effect as a subsequent will, VI. 80

DEVISE—*continued.*
Revocation:
a declaration in writing, ib.
which must be of an actual revocation, not merely of an intention to revoke by some future act, 82
a written declaration signed by testator in the presence of three witnesses, 80, 81
the witnesses need not subscribe in the presence of the testator, ib.
cancelling:
when cancelling is a revocation, 83
the will must be cancelled by the testator, or by his direction, 84
an intention to cancel is sufficient, ib., if the will is not entirely destroyed, ib. 85
Express revocations:
an obliteration of part does not revoke the whole, 86
where there are duplicates, cancelling one part revokes the other, 89
Implied revocations:
marriage and birth of a child, ib. if not rebutted by other circumstances, ib. 90
marriage and birth of a posthumous child, 90
Qu. whether either singly is a revocation, 92
marriage is a revocation of a woman's will, ib.
where a woman survives her husband, marriage is only a suspension, ib.
an alteration of the estate, ib. 93
an alienation to a stranger, 93
contract for sale, ib.
though rescinded after the testator's death, 94
an intended alienation, ib.
an alienation to the use of the testator, 95
an alienation to strengthen a devise held to be a revocation, 96
a fine, ib. V. 219
a common recovery, 398. VI. 96
but not a conveyance to trustees for payment of debts, 96
Modern doctrine of implied revocations,
any conveyance inconsistent with the devise, 98
an alteration in the nature of the estate is a revocation, 92, 93. 112, as, by exchange, 103
parol evidence cannot be admitted against a revocation, ib.
a fraudulent conveyance is not a revocation, 104
nor a void deed, 105. n. Exception, ib.
nor is bankruptcy a revocation beyond the purpose of paying creditors, 111
nor an alteration of the quality of the estate, 105
nor the change of a trustee, 107.
nor a partition, ib. 108., unless it extend to other things, 108
a devise of an equitable estate not revoked by a subsequent acquisition of the legal estate, 105

DEVISE—*continued.*
Partial revocations:
a lease of lands devised is a partial revocation, VI. 109
a mortgage in fee is only a revocation *pro tanto*, 110
and also a conveyance for raising money to pay debts, ib., unless any further trusts are declared, ib. 111
bankruptcy, 111
Revocations of devises of leaseholds:
a surrender and renewal is a revocation, 111
the purchase of a reversion expectant on a lease for lives is a revocation, 112
renewal of a term of years, when specifically bequeathed, ib.
Re-publication;
nature and effect of, 114
a re-execution is a re-publication, ib.
in what cases a codicil is a re-publication, ib.
when it is duly attested, and is annexed or refers to a will, ib.
if a contrary intention does not appear, 115
where it is confined to lands devised by the will, it will not be a re-publication so as to pass after-purchased lands, 120
a surrender of a copyhold to the use of a will may operate as a re-publication, so as to pass the surrendered copyhold, 122
when a re-publication affects lands purchased between the devise and re-publication, 123
cancelling a second will re-publishes a former uncancelled will, 121
though the second will expressly revokes the first, 122
but a will once cancelled must be re-executed, ib.
a re-publication, after the death of a devisee in tail, will not give any estate to the issue of the devisee, 132
Devises of copyholds,
not within the statutes of wills, 35. 68
copyholds are devisable by surrender to uses, 35
a custom to the contrary is void, ib.
effect of such surrenders, 36
the devisee has no title till admittance, 37
the devisee must pay the accustomed fines, I. 294
the surrender only affects the estate which the copyholder has at the time of making his will, VI. 37
a surrender is now unnecessary, 55 Geo. 3. c. 192. 38. 205; exception, 38
who may devise, 42
heir before admittance, 43
a surrender by a feme sole is suspended by her coverture, 42, 43

DEVISE—*continued*
Devises of copyholds:
a surrender by husband and wife to the use of the wife's will is good, VI. 43
what estate in a copyhold may be devised, 43, 44
joint tenancy, ib.
a surrender to the use of a will bars an entail, 38
an equitable interest is devisable without a surrender, 40
unadmitted devisee or surrenderee cannot devise, 43
an equitable entail is not barred by a devise, 41
devisor of a reversion must be admitted, 44
unless reversion granted by the lord, ib. 45
a devise of the trust of a copyhold not within the statute of frauds, 68, 69
where the surrender requires an attestation, the will must be attested, 69
a surrender to the use of a will may operate as a re-publication of a former will, so as to pass the surrendered copyhold, 37. 122
what words are necessary to pass copyholds, 204
application of the rule in Shelley's case, 289
Devises of terms for years:
a term purchased after the execution of a will passes by it, 34
a term for years in lands cannot be created by will not duly executed, 63, 64. 70
so a term attendant, only passes by will duly executed, 70
a general devise passes the whole estate of the devisor, 229
a devise to a person and the heirs of his body, is a disposition of the whole term, ib. 230
a devise over after a devise for life may be good as an executory devise, 230
when a devise to a person, for a day, &c., is a disposition of the whole term, ib.
application of the rule in Shelley's case, 290
executory devise of a term. See *Devise—executory*.
revocation of a devise of a term by surrender, and taking a new lease, 111
effects of a devise in barring dower, I. 178—185. VI. 7
a devise not a bar of jointure, I. 210. VI. 7
a devise sometimes taken in satisfaction for jointure, I. 220, 221
Qu. whether a devise to uses can operate by the statute of uses, 367, 368
no use results on a devise, 377
distinction between a devise to a person in trust to *pay* over the rents and profits to another, and a devise in trust to *permit* another person to receive the rents and profits, 384, 385
devise in trust for a married woman, 385

DEVISE—*continued.*
effects of a devise over on breach of condition, II. 14, 15
a devise of lands will destroy contingent uses, 278
but not a devise of portions out of land, ib.
a devise of a reversion expectant on an estate tail is fraudulent as against creditors, 340
a devise will not sever a joint tenancy, 382
a devise bars an escheat, III. 400
statute of fraudulent devises, VI. 8
Devises which are void *ab initio*:
previously to the recent stat. on inheritance a devise to an heir at law, III. 638. VI. 124. 127
although charged with debts, 125
he must have been sole heir to make the devise void, ib.
a difference between the estate given to him and that which he would have taken by descent, made the devise good, 126
a devise to daughters as joint tenants made them in by the devise, ib.
a devise to the heir at law, and another as tenants in common, did not prevent the heir from taking by descent, 127
but now all devisees take by purchase, ib.
a devise to charitable uses, 128. Exceptions, 16
where fraud has been practised on the testator, 128
Devises which become void by matter subsequent:
where the devisee dies before the devisor, 128
a re-publication after the death of a devisee in tail will not give any estate to the issue of such devisee, 132
devises may be void for uncertainty, 133
the death of the devisee, being a trustee, does not render the devise void, 132
on a lapsed or void devise the estate descends to the heir, 133
Charged with debts,
a devise upon trust to hold lands until debts are paid, gives but a chattel, I. 157. 223. V. 275. VI. 361
where applied to discharge a mortgage, II. 126
a devise to executors for and until payment of debts, does not prevent the vesting of the freehold, V. 275
did not make an heir at law a purchaser, VI. 125
gives an estate in fee simple, 222
what words make lands liable to debts, 354
origin of the custom of devising lands to executors for payment of debts, 360
Construction,
the intention must be effectuated, 135. I. 370
words rejected or supplied, VI. 138. 150
the word *or* construed *and*, 144

DEVISE—*continued.*
Construction,
the word *and* construed *or*, VI. 147
and and *or* construed literally, 148
estates sometimes transposed, ib. 149
contradictory devises, 149
a perpetuity cannot be created by will, ib.
a proviso restraining alienation generally, is void, ib. 152
otherwise if particular, 149
construction *cy pres*, 151
no averment allowed to explain a will unless there is an *ambiguitas latens*, 153
immaterial whether the testator has the legal estate or not, 156
what words create a devise, 157
the technical words are, "give and devise," but other words will answer, ib.
a mere recital is not a devise, 158
words of advice or desire do not create a devise, ib. 159
but sometimes a trust in equity, 158. 161
devises by implication, 163
where a provision is made until a certain event, and adding nothing further, 164
where the happening of a given event is not provided for, but the not happening of the event is, 165
what words describe the devisees, 165. See *Devisee.*
description of the things devised, 174
need not be minute, ib.
where a technical word not applicable to anything the testator has, is used, it will be allowed to affect the property which the testator has, 185
a mistake in the description of a place will not invalidate a devise, 182
what pass by the words *lands*, *tenements*, and *hereditaments*, 174
a reversion, 194, 195
not a mortgage where there are other things to which the words may apply, 201, 202
what pass by the word *estate*, 175
when it is confined to personalty it will not be construed to extend to real property, ib. 176. 181
but the words *personal estate* will sometimes pass the realty, 177
effect of the words *testamentary estate*, 217
where the word *estate* is used only to describe a local situation, it will not pass a fee, ib., but only an estate for life, 270
what pass by the words *all my lands*, 174
by the words *all my rents*, 176
by the words *messuage and house*, 175

DEVISE—*continued.*
Construction,
by the words *all I am worth*, VI. 176
by the word *legacy*, ib.
by the words *residue of estate, property, or effects*, 178
where confined to personal property, 182
by the word *farms*, 190
by the words *all my mortgages*, 200
what words will pass the whole interest in a chattel, 229
effect of additional words, 182
words sometimes applied against their technical meaning, 185
in what cases additional words are not restrictive, 184
where general words are confined to freeholds, 186. 189. 193, 194
where to leaseholds, 186
where they apply to both, 186—189, 190—193
when general words are confined to estates in possession, or will carry a reversion, 198
general words sufficient to pass a reversion may be restrained by subsequent ones, 199
when general words will pass mortgages and trust estates, 200. 202
what words will pass copyholds, 204. See *Devises of Copyholds.*
what words will pass reversions, 194, 195
the word *rest*, 195
reversions after estates tail pass by the words *all my lands out of settlement*, 196
general words in a residuary clause carry every thing not excluded expressly or by necessary implication, 198
where it is manifest that the testator does not intend to devise a reversion by general words, it will not pass, 199
construction of the word *elsewhere*, 196, 197
by what words mortgages and estates of trustees will pass in a devise, 200. 202
construction of the words *all my mortgages*, 200
not by the words *lands, tenements, and hereditaments*, if the testator has other property, 201
a mortgage will pass by general words where there are no other lands to satisfy the devise, ib.
when the estate of a trustee will pass by general words, 202. 204
equities of redemption, 204
copyholds, ib. See *Devises of Copyholds.*
what words create an estate in fee, 207—230
words showing an intention to give the whole interest, 207
the word *heirs* not necessary, ib.
words and expressions equivalent to the word *heirs*, ib.
a devise to a man *in perpetuum*, gives an estate in fee, ib. 208
or to a man and his successors, 208
a devise to a man and his assigns, gives an estate for life, ib.

DEVISE—*continued.*
Construction,
distinction between *sanguini suo* and *semini suo*, VI. 208
a devise to a person to give and sell, passes the fee, ib.
so a devise *of all my inheritance*, ib.
whether the words *freely to be enjoyed* pass a fee, ib. 209
a devise to a person and his heirs, and if he die without heirs, remainder over, 237
unless the remainder be to a collateral heir, which gives the devisee an estate tail, ib.
where an estate for life is given with a power of disposing of the inheritance, the devisee takes an estate for life only, 256
a devise of all a person's right, title, and interest, 217
a devise of all a man's real or personal property, ib. 218
the word "property" will be restrained by the context, 217
words of reference, 211, 212
effect of an introductory clause, 212
effect of the word *estate*, 213. 271. n. will not be restrained, although used in other parts of the will, to give an estate for life only, 215—of the word *property*, 209. 217
effect of the words *right, title, and interest*, 217
effect of the words *all the rest and residue of my real and personal estate*, 218
effect of the words *whatever else I have not disposed of*, 220
effect of the words *remainder and reversion*, 221
a devise on condition of paying a gross sum of money, ib.
a devise charged with debts and legacies, 222
a devise charged with an annual payment for ever, 224
a devise charged with an annual payment for the life of another person, 225, where the charge is on the rents and profits, the devisee takes an estate for life only, 227. 267
a devise generally; and if the devisee dies under age, and without issue, remainder over, 227
a devise to trustees for purposes requiring a fee, 228
a devise to a person for life, with a subsequent devise to his heirs in fee, gives a fee to the first devisee, 275, 276.—See application of the *Rule in Shelley's Case*.
what words create an estate tail;
no technical words necessary, 231
the word *heirs* may be qualified by subsequent words, so as to give an estate tail, 232
a devise to A. *and his heirs, remainder to a collateral heir*, 237
effect of the words *issue, children*, &c. 239
an estate tail may arise by implication, 240, 241
a devise generally may be enlarged into an estate tail, 242
a devise for life may be enlarged into an estate tail, 244

DEVISE—*continued.*
Construction,
What words create an estate tail;
a devise to a person for life, with a subsequent devise to the heirs of his body, gives him an estate tail, VI. 253. 275, 276
a devise to trustees *to permit A. to take the profits for life, remainder to the use of the heirs of his body, with a power to jointure*, gives A. a legal estate tail, 276
What words create an estate for life;
a devise *to a man and his assigns*, 208
a devise without words of limitation, 259
although charged with an annuity during the life of the devisee, 267, 270
or the payment of a sum of money out of the rents and profits, 227. 267
an express devise of an estate for life, 254
although a power of disposal be given, 256
the word *estate* when descriptive of local situation, 270
the word *hereditament*, 272
where the general intention requires it, ib.
what words create a term for years, 273, 274
what words create uncertain interests, 274
application of the rule in Shelley's case, 275—328. See *Rule in Shelley's Case.*
what words create a joint tenancy, 329—336. 342
what words create a tenancy in common, 336. 342
when words which create both estates are used, 340. n.
what words create cross remainders, 343
cross remainders formerly not implied between more than two, 345
this doctrine somewhat altered, 346
what words create a condition, 353
where construed a limitation, 354
what words make lands liable to debts and legacies, ib.
copyholds are liable as well as freeholds, 358
legacies not preferred to specific devises, 359
what words give a power of sale, 360
whether a power of sale is capable of survivorship, or transmissible to executors, 361
where power of sale in executor, whether heir a necessary party to conveyance, ib.
Executory devises, II. 237. VI 366
A devise over after a devise in fee simple, 366
although the first estate be not vested, 368
no devise is deemed executory, which can be supported as a remainder, 369. 378
cannot be barred, 369
exception, 369. n.
at what time it must vest, 370

DEVISE—*continued.*
Executory devises;
a devise after a general failure of heirs or issue is too remote, VI. 372
unless the words *dying without leaving issue* are restrained to the death of the person, ib. 373
curtesy attaches on the first estate, and is not defeated by the determination of it, 374
A devise of a freehold to commence in futuro, 377
devise to an infant *in ventre matris*, ib.
sometimes supported as a remainder, 378
devise over after limitation of an estate tail is a contingent remainder, 379
at what time it must vest, 380
devise over depending on a previous devise which is too remote, void, 381
a devise, where no previous estate is given, after a general failure of issue, is too remote, 382
Except
a devise of a reversion, 384
a devise in default of issue of the devisor, 388
a devise over for life, on failure of issue of the first devisee, 391
or where an estate tail is raised by implication, ib.
A bequest over of a term for years, after a previous disposition, 392
a devise over of a term after a devise for life, was formerly void, ib. but is now good, 230. 393. as also a similar declaration of a trust of a term, 394. although to a person not in esse, or not ascertained, ib.
although the first devisee were to take the absolute property, an ulterior devise will be good, ib. 395
cannot be barred by the devisee for life, 395
within what time it should vest, ib. 396
a devise over after a general failure of heirs or issue, is void, 396. unless the failure be confined to a life or lives in being, &c. ib.
a devise over after a general failure of issue, cannot be supported as a remainder, ib.
the words *dying without issue*, sometimes restrained to the death of a person in esse, 402
no distinction between an express estate tail, and one given by implication, 406
no distinction between a devise for life, and an indefinite devise, 407
an executory devise for life after a general failure of issue to a person in esse, is good, 408

DEVISE—*continued.*
Executory devises;
executory interests in terms for years,
are devisable, VI. 425. assignable, ib.
might be passed by fine or recovery, or released, ib.
and transmissible to executors, 426. and descendible to heirs, ib.
Where one limitation is executory, all the subsequent ones are so likewise, 409
a preceding executory limitation may be uncertain, when a subsequent one is certain, 411
a preceding executory limitation is not a condition precedent, 412, 413
a limitation over after an executory devise of the whole interest, sometimes good, 414
where a subsequent limitation may become good, and where not, 417, 418
a limitation which was originally a contingent remainder, may take effect as an executory devise, 418, 419
distinction between executory devises *per verba de præsenti* and *per verba de futuro*, 422
the freehold descends in the meantime to the heir at law, 423. and also the intermediate profits, ib.
a devise of the residue will pass the intermediate profits, 424
executory estates and interests are devisable, 27, 424
also assignable, 425
might be passed by fine or recovery, ib.
may be released, ib.
may be passed at law as to lands in Ireland by stat. 4 & 5 Will. 4. c. 92. ib. n. App. VII. 13
are descendible to heirs, VI. 426
equity will prevent the persons in possession from committing waste, 427
trusts of accumulation, 429. 460. See *Accumulation.*
DEVISEE,
remedy against, for breach of contracts or covenants by devisor, 8. IV. 93
must submit to the whole will, VI. 16
Who may be devisees, 14
an infant *in ventre matris*, ib. 15
a married woman—even of her husband, 15
aliens—Qu. for whose benefit, ib.
a bastard if born, ib.
uncertain persons, ib.
corporations, or bodies politic, cannot be devisees, ib. 16
What words sufficient to describe a devisee, 165
where devisee rightly described but misnamed, ib.

DEVISEE—*continued.*
What words sufficient to describe a devisee,
where devisee a bastard, VI. 166
the word *heir* sometimes a good description, ib.
the word *issue* a good description, 169
who take under the word *issue*, ib.
who take under the term *kindred*, 173
the words *sons, children, relations*, &c. 169
who take under the word *descendants*, 172, 173
cannot bring writ of right, III. 436. 442
may be barred by fine and nonclaim, V. 179
may maintain an ejectment against the heir, VI. 7
has the freehold without entry, ib.
is entitled to aid in equity, 9
of a copyhold, must be admitted, 37

DIEM CLAUSIT EXTREMUM, I. 60

DIGNITIES, III. 118
are real incorporeal hereditaments, I. 46, 47. III. 2. 145
feudal, origin and nature of, 118, 119
English nobility, 119, 120
origin of the *curia regis*, and parliament, 120
who were called *pares curiæ*, 121. I. 18. 48. 52
barones majores et minores, distinction between, III. 122
necessity of a writ of summons, when established, ib.
bishops and abbots holding *per baroniam*, were obliged to attend the *curia regis*, 126
Names of dignities, 123
title of baron, ib. See *Baronies*.
title of earl, 124
title of duke, ib.
title of marquis, ib.
title of viscount, ib.
by tenure, ib. 125
cases where dignities have gone with castles, manors, &c. 128
By writ, 135
the person summoned must sit, 136
the proof of a sitting in parliament is by the records of parliament, 137
are hereditary, 138
of writs to the eldest sons of peers, 141
a writ to the eldest son of a peer creates an hereditary dignity, ib.
a writ to the eldest son of a peer, by the name of his father's barony, gives him the same estate which his father had in that barony, 210—214
may be revived or restored by letters patent, 142
by charter, 134

DIGNITIES—*continued.*
By letters patent, III. 135. 141
when they commenced, 135
manner of conferring them, 141, 142
the inheritance must be limited by apt words, 142
are complete without the patentee's taking his seat, ib.
by marriage, 143
by what acts a woman, noble by marriage, forfeits her dignity, ib.
on whom dignities can be conferred, ib.
Qu. whether they can be refused, ib.
are real property, 145
need not be annexed to any place, ib.
What estate may be had in a dignity, 146
a fee, simple or qualified, ib.
an estate tail, ib.
an estate in remainder, 148
an estate for life, but not for years, ib.
whether an estate *pour autre vie*, qu. 149
nor an estate by the curtesy, 150
not alienable, 152, as they seem formerly to have been, ib.
a dignity cannot be surrendered to the king, 153, 154
nor extinguished by a new title, 154
instance of a peer degraded for poverty, 183
an earldom does not attract a barony, 155, and the barony descends, where the earldom becomes extinct, ib.
forfeited by attainder for high treason, 156, but the remainder-man is not affected, 157
by attainder for felony, except when entailed, 158
the attainder of any ancestor of a claimant produces corruption of blood, 159
entailed dignities are not subject to corruption of blood, ib.
nature and effects of restitution of blood, 182, adverse possession for eighty-five years will not bar the real owner, 184
Descent of a dignity, 146. 186
by tenure, 186
by writ, 187
descends to all the lineal heirs of the person first summoned, ib.
and to females, ib. 188
the descent of a dignity is not affected by possession, as in the case of lands, 188. 193
the half blood may inherit, 188. 218
but *possessio fratris* will hold in the case of a feudal dignity, because the title is annexed to land, 189
descent of baronies created by writs to the eldest sons of peers, 210, is the same as that of the ancient barony, 214
descent of dignities created by letters patent, 218
Abeyance of a dignity, 189
the crown may terminate an abeyance, 191

DIGNITIES—*continued.*
Abeyance of dignity,
modes of terminating an abeyance, III. 192
effect of a writ of summons to one of the heirs of a co-heir, ib. 193
an abeyance determines when there is but one heir, 195
cases of claims by a surviving heir, 200
the attainder of one of two co-heirs does not terminate an abeyance, 202
not within the statutes of limitation, 184
DILAPIDATIONS,
action for, by successor, against late incumbent, or his representatives, if dead, I. 132.
DISABILITIES. See *Idiots*, *Infants*, and *Married Women*.
exceptions in the statute of 4 Hen. VII. in favour of persons lying under disabilities, V. 204
case of a person dying under disabilities as to fines, 209
DISCLAIMER,
forfeiture for, I. 64. 109. 310
acceptance of rent after disclaimer barred the lord of his writ of right, 64
by implication, 109
avoidance of a deed by disclaimer, IV. 404
if a married woman trustee may disclaim under s. 77. of stat. 3 & 4 Will. 4. c. 74. App. VII. 13
a married woman trustee of lands in Ireland, may disclaim under sect. 68. of stat. 4 & 5 Will. 4. c. 92. ib.
DISCONTINUANCE OF AN ESTATE TAIL,
drove the issue in tail to his action, I. 78
effect of discontinuance, 79
requisites to work, ib.
is always tortious, IV. 61, 62
defined, III. 314
who may create a discontinuance, I. 78
cannot be when immediate reversion is in the crown, 79
by alienation, 78
What conveyances created a discontinuance, ib.
a feoffment in some cases, ib. IV. 51. 61, 62
but not a grant, 53
nor a bargain and sale, 104. 111
a lease in some cases, 62
but not a covenant to stand seised, 111
nor a lease and release, 116
a fine in some cases, I. 78. V. 153. 216.
and also a recovery, I. 78
release and confirmaton with warranty, ib.
what lay in grant, as rents advowsons, commons, &c. could not be discontinued, III. 295. V. 219

DISSEISIN,
its effects in ancient times, I. 52
is a trespass, ib.
every entry is not, unless *animus* of disseisor is shown, 51, 52
previously to stat. 3 & 4. Will. 4. c. 27. remedy for, by novel disseisin, 52.
an entry before a lease begins is a disseisin, 225
if the grantee of a tenant at will enters, it is a disseisin, 244
of a rent, III. 294, 295. 453
by feoffment, IV. 50
there cannot be an actual disseisin of an incorporeal hereditament, III. 295 V. 228
where a feoffment to make a tenant to the præcipe operates by disseisin, 293
arguments of Lord Mansfield on the nature of disseisin, 302
DISSEISOR,
may make a valid assignment of dower, I. 169
cannot grant a copyhold 271
DISSENTERS, cannot be fined for refusing offices, III. 109
DISTRESS FOR RENT. See *Rents.*
DIVORCE, its effects upon a title to dower, I. 155, 166
DONATIVE,
no presentation, institution, or induction necessary, III. 5. 13
DOWER. See *Jointure.*
origin and nature of, I. 151, 152. 165
described by Glanville, 152. 153
at common law, by Littleton, 153
is a moral right, ib.
by local custom, 154
by custom of gavelkind, or freebench, ib.
by custom of some boroughs, ib.
by custom of manors, ib.
implied condition annexed to it by law, II. 2
Circumstances required to give a title to dower:
I. legal marriage; or marriage de facto, which, if voidable, was not avoided in the husband's lifetime, I. 154, 155
fact of marriage must be tried by bishop's certificate, on plea of *ne unques accouple*, 155
effects of divorces, ib.
II. previously to stat. 3 & 4. Will 4. c. 105. seisin of the husband, during the coverture, 156
what seisin gives a right to dower, ib. 157
seisin of husband, as a trustee or cognizee of a fine, is too momentary to confer dower, 157.
what seisin of lands in gavelkind gives a right to dower, 158
III. death of the husband, as well civil as natural, ib.

DOWER—*continued.*
widows who may be endowed,
natural-born subjects, having attained nine years at their husband's deaths, I. 158, 159
widows who may not be endowed,
aliens, 159
except an alien queen, or woman made denizen, or naturalized, ib.
Jewess, wife of English Jew, who has become a Christian, ib.
women stolen, and consenting to live with the ravisher, ib.
when ceases with an estate tail, 165
of what things a woman may be endowed;
equitable estates where women married since 1st January, 1834, 158
estates to which husband shall have had a right of entry or action, ib.
estates in fee simple, 160
share in fee in navigation of the Avon, 161
estates tail, 75. 161.
previously to stat. 3 & 4 Will. 4. c. 105. not restrainable by any proviso whatever, 161. 162
but now subject to restrictions, 160, 161
not divested by determination of estate tail by death of husband without issue capable of inheriting, ib.; exceptions, 165
so if tenant in tail limits an estate for his own life. 162
qualified or base fees, while they continue, ib.; see 64
estates in coparcenary and common, 162. II. 394. 409
of partnership real estate, 409
copyholds and customary lands, as gavelkind, &c., I. 154. 259. 279. 284, 285
mines, when opened, 160, 161
incorporeal hereditaments, as
share in navigation of the Avon, 161
profit of mills, parks, dove-houses, fisheries, courts, fines, and heriots, ib.
commons, 163
franchises, ib.
advowsons, III. 7
in which case she may present, 14
tithes impropriate, 49
certain offices, 103
rents, 291. I. 166, 167
lands escheated, III. 417
remainders and reversions after estates for years, I. 162. II. 338
equities of redemption of lands mortgaged for years, I. 162. II. 102

DOWER—*continued.*
of what things a woman may be endowed;
trust estates, if widow married after 1st January, 1834, I. 164. 409, 410
in what cases, as of exchange of lands, &c., the widow has an election, 163
of what things a woman cannot be endowed;
estates disposed of by her husband, 160. n. 163
estates in joint tenancy, 158. n. 163. II. 375
estates not of inheritance, as for life, &c., I. 163
reversions after estates of freehold, 162. II. 338.
wrongful estates, I. 163
lands actually assigned to another woman for dower, 164
castle, or fortress, or capital mansion, being *cuput comitatus*, or *baroniæ* by tenure, ib. III. 145
an equity of redemption of a mortgage in fee, made before the marriage, I. 162, 163. 410. II. 97
a personal annuity, III. 292
title to dower may depend upon election of third persons, I. 166
assignment of dower:
necessity of an assignment, the freehold being cast on the heir, 168
does not exist if her precise portion of land is specified, ib.
excessive, when relieved against, 171
cannot be defeated by entry, ib.
widow not to pay fine for, 168
who may assign dower,
commonly the heir, though a minor, 168, 169
no person who has not a freehold in the land, 169
disseisor, abator, or intruder, may, ib.
sheriff, after judgment at law, ib.
how it is to be assigned,
of common right,
by metes and bounds, if the property can be severed, and why, ib.
may be waved by widow, ib.
and then assignment in common with the heir will be good, 170
by the sheriff must be so, if practicable, ib.
can only take place where the husband is seised in severalty, ib.
is most beneficial, ib.
against common right, as
in common with the heir, 171
or in special manner, as the 3d toll dish of a mill, &c., 169
of mines, by proportion of the profit, or ultimately enjoying the whole, ib.
what lands or rents may be assigned in dower, 170
must be absolute, ib.
of lands leased for years, how made, ib. 171

DOWER—*continued.*
assignment of dower:
may be made by parol declaration of heir, I. 171
new assignment, when, ib.
remedies against improper assignment, ib.
effect of, 172
warranty by the heir is implied in, ib.
want of formal, is nothing in equity, ib.
parol cannot demur for infancy of heir; exception, V. 238
what is a bar of dower:
declaration by husband by deed or will to that effect, I. 160. n.
devise to widow of part of land subject to dower, 161. n.
or inconsistent with her claim, 185. and n.
attainder,
of the husband, 174
of the wife, 175
spontaneous elopement, and continuance with adulterer, unless there be reconciliation, ib.
ravishment, and consenting to live with ravisher, 159. 175
adultery after separation from husband, 175
reconciliation by coercion of church will be, ib.
cohabitation seems sufficient proof of reconciliation, 176
adultery, though husband consent to it, 175, 176
detinue of charters, 176, 177
fine, 177. V. 174, 175
common recovery, I. 177. V. 383, 384
bargain and sale, in London, I. 177
usually by jointure, ib. See *Jointure.*
breach of condition by husband, II. 36
assignment of term for years to purchaser, for valuable consideration, I. 177. 429
fine or recovery previously to stat. 3 & 4. Wlil. 4. c. 74, by wife of jointure, made before marriage, 208
what is not a bar of dower:
gift or bequest of property not subject to dower, 161. n.
assignment,
of lands whereof she is not dowable, or of rent thereout, 170
of lands or rent for term of years, or for life of assignor, ib.
with condition or reservation, ib.
semb. an adultery, not spontaneous, but induced by belief that husband was dead, 176
a devise to wife during widowhood, or less beneficial than dower, 179
previously to stat. 3 & 4 Will. 4 c. 105., a general devise, or bequest in a will, ib. 180. 185
unless expressed to be in bar or satisfaction of dower, when the widow had an election, 180

DOWER—*continued.*
what is not a bar of dower:
but general devises of annuities have been sometimes deemed satisfaction in equity, I. 181—185
bequest of the residue of personal property, 185, 186
jointure made after marriage, 192, 193
outstanding term against the heir, 441. &c.
jointure of copyholds at law, 194., but is a bar in equity, ib.
Dowress,
nature of her estate, 165
is in in continuance of her husband's estate, to be carved out ministerially by the heir, 170
previously to stat. 3 & 4 Will. 4. c. 105. her estate attached at the instant of her marriage, 174. 188
holds of the heir by fealty, 165
entitled to emblements, ib.
where she may elect, as to the land subject to dower, 163
forfeits her estate,
on alienation in fee, or for life, by feoffment, fine, warranty, or recovery, before the stat. 3 & 4 Will. 4. c. 75. 165, 166
in gavelkind, by a second marriage, or having a bastard child, 154
but may grant copyhold in reversion, by custom, 270
cannot commit waste, 166
may work mines open during the coverture, 161
Qu. whether protected from actions for accidental fire, 166
previously to stat. 3 & 4 Will. 4. c. 105. not subject to incumbrances created by her husband after marriage, ib.
nor to distress for his debts to the crown, contracted during the marriage, ib.
cannot be compelled to marry or pay fine for assignment of dower, 168
of the third of a manor, has a manor, 259, 260
may grant copyholds in reversion, 270
acquiring copyhold by custom of freebench,
is sometimes liable to fine, 293
or by other local custom cannot claim at common law, 154
her warranty was void, IV. 365
what leases she may make, 67
could not discontinue by feoffment, fine, recovery, or warranty, I. 166. V. 408
effect of recovery of dower, by wife of cognizor of statute merchants, against the tenant, by execution, II. 58
recovery of dower at law, and in equity, I. 172
of arrears of dower, 173
action must be brought for within six years, ib. III. 457
when the parol might demur for infancy of heir, V. 238. and n.
dower is demandable of the heir, though under age, ib.
pleading detinue of charters by widow, I. 176, 177

DUKE, title of, III. 124

DURESS, ground for avoiding a deed, IV. 407

DURHAM, Court of,
fines might be levied in it, V. 103
recoveries might be suffered in it, 338

E.

EARL, title of, III. 124. 127

EARLDOM, does not attract a barony, 155

EASEMENTS,
may be held by prescription, 424
may be claimed by prescription, but how cannot be pleaded, ib.
distinguished from a custom, ib.

ECCLESIASTICS seised *jure ecclesiæ*,
are *quasi* tenants for life, I. 114
cannot fell timber except for repairs or botes, 130
nor dig mines or stones, except for repairs and improvements, 132
injunction to stay waste by, against what parties obtained, ib.
timber cut on glebe of, how applied, ib.
may appoint to offices in their gift as such, notwithstanding the disabling acts, III. 95
may make leases for three lives, or twenty-one years, IV. 62. 70. (*n. a.*)
may be barred during their own lives, by fine and non-claim, V. 200. 224

ECCLESIASTICAL CORPORATIONS. See *Corporations.*

ECCLESIASTICAL COURTS,
take cognizance of the legality of marriage, I. 155
devises of land need not be proved in them, VI. 9

ECCLESIASTICAL LEASES, IV. 62—66

EFFECTS, construction of this word in a devise, VI. 179. 182

EJECTMENT,
will not lie for dower of a copyhold, viz. for free bench, I. 286
possession under a statute must be obtained by ejectment, II. 55
what bars an ejectment under a statute, 56
where the possession of a term enables a puisne mortgagee to maintain an ejectment, 174, 175
may be brought pending bill of foreclosure, 197
when barred by an outstanding unsatisfied legal estate, I. 414. 442, 443
for non-payment of rent, III. 287
barred by the statute of limitations, 434. 436
not sufficient to avoid a fine, V. 243

EJECTMENT—*continued.*
nor does service of a declaration in, amount to an entry to avoid a fine, 244
but lies where the parties had no freehold in the premises, 247
a recovery may be falsified in ejectment, 443
may be maintained by a devisee against an heir, VI. 7

ELECTION, by devisee, 16—21

ELEGIT. See *Estate by Statute Merchant*, &c.

ELOPEMENT. See *Adultery*.

EMBLEMENTS,
meaning of the word, I. 106
when a tenant for life is entitled to, 105, 106
the parochial clergy entitled to, at their deaths, 114
a dowress entitled to, 165
in what case a lessee for years is entitled to, 233, 234
a tenant at will entitled to, 244
incident to free bench, 285, 286

ENDOWMENT of tithes, III. 47

ENFRANCHISEMENT OF COPYHOLDS. See *Copyholds*, I. 326—328

ENGLISH LAW, sources of, I. 1

ENLARGEMENT,
condition for enlargement of an estate, II. 3. 239.
a release may operate by enlargement, IV. 79, 80. See *Confirmation*.

ENROLMENT, statute of, 27 Hen. 8. c. 16., IV. 102, 103

ENTAIL. See *Estate Tail*.

ENTRY,
generally necessary to create a seisin and a freehold in deed, I. 49, 50. III. 312
by heir upon any part gives seisin of all the lands in the same county, I. 50
must be in each county, where the lands lie in different counties, 50. III. 344
only necessary where the lands were in the occupation of the ancestor, I. 50
not necessary therefore when in possession of a lessee for years, ib. 141. III. 344
heir has no right of, when lands are let on leases for lives, I. 50
tolling the, of the heir by descent to son of abator who died seised, 51. now abolished, ib.
previously to 3 & 4 Will. 4. c. 74. necessary to avoid the alienation of a tenant in tail, 79., exception, V. 226. 255, 256. See *Estate Tail*.
right of, not defeated by discontinuance or warranty, I. 79. mere entry is not possession, ib. V. 242

ENTRY—*continued.*
right of, when barred by attainder of tenant in tail for treason, I. 91
an estate by the curtesy is complete without entry, 149
necessary to complete an estate for years at common law, 225. IV. 54
but not under the statute of uses, I. 225
an estate for years to commence *in futuro* may be assigned before entry, 226
an estate for years cannot be merged by surrender to reversioner before lessee's entry, 237, 238
the only mode of taking advantage of a breach of condition is by entry or claim, II. 32, 33, &c.
an estate by statute merchant, &c. must be executed by entry, 55
a mortgagee of a lease subject to the covenants, though he never entered or became possessed in fact, 86
when necessary to support contingent uses, 245, 246. 274, 275
is necessary by feoffee after livery in law, when, IV. 47
an exchange at common law not good without entry, 75
a devise transfers the freehold without entry, VI. 7
must be made with a legal intention, I. 50
the entry of a stranger is an abatement, 51
of a younger brother, before stat. 3 & 4 Will. 4. c. 27. not an abatement, ib.
entry and ouster is a disseisin, ib.
a tenant in tail might alienate, *e. g.* by fine so as to take away the entry of the issue, 78. 81
a lessee may maintain an action against his lessor for entry on the land demised, when, 116
the entry of a lessee for years before his lease commences is a disseisin, 225. Exception, 226
a chose in entry not assignable, II. 4. See *Chose in Action, Entry*, or *Re-entry.*
for breach of condition. See *Condition.*
when an estate by elegit is determinable by entry, 60
a right of entry will support a freehold contingent remainder, 244, 245, and may stand in jointure, 366
the death of a joint tenant for years before entry does not destroy a right of survivorship, 369
the entry of one joint tenant previously to stat. 3 & 4 Will. 4. c. 27. was the entry of all, 377
so also the entry of one coparcener was the entry of all, 392
what takes away the entry of a coparcener, ib. 393
when the entry of one tenant in common, previously to the above statute, was the entry of all, 402. V. 246
clause of entry for non-payment of rent, III. 286
right of entry by way of use, 287
the entry of a mother gives seisin to her child, as his guardian, 345. 348. 391

ENTRY—*continued.*
the entry of the guardian of a copyholder gives seisin, III. 391
a right of entry restrained by the statutes of limitation, 434
and previously to the above statute was postponed till a valid existing lease was determined, 439. See *Limitation, Statutes of.*
what entry necessary to preserve a right, 450, 451
previously to stat. 3 & 4 Will. 4. c. 27. tolled by descent, when, 313. 435
excused where it would be attended with danger, 451. IV. 47, 48. V. 244
when taken away by a fine at common law, 148, 149. 155, 156
a title of entry for a condition broken, or on any other account, barred by fine and non-claim, 188
to avoid a fine, 168, *note*, 243—246. See *Fine.*
when right of, is taken away, right of real action only remains, 243
writ of entry to suffer a recovery. See *Recovery.*
entry and plea to falsify a recovery, 443
EQUITABLE
estate, I. 405, 406
recovery, V. 384. See *Recovery of a Trust Estate.*
EQUITY,
will restrain a tenant for life without impeachment of waste from committing malicious waste, I. 121. 128
will assist a widow in recovering dower, 172
will not assist a person who has been divorced in recovering dower, 156
will enforce an agreement not to bar dower, 161
will decree the assignment of a term by widow to a purchaser in bar of her dower, 177. 178. 441
will relieve against a partial or fraudulent assignment of dower, 171
will protect a jointress, 205. See *Jointure.*
will restrain a tenant for years without impeachment of waste from committing immoderate waste towards the close of his term, 233. See *Waste.*
will relieve against the merger of a term for years, 240. VI. 493, 494
Jurisdiction of equity over copyholds, 267. 310
will not restrain a copyholder from waste, 282
considers an agreement to convey as a bar of free bench, 288
will relieve against a forfeiture, 320, 321. 328. but not unless there is a ground for equity, 321, 322
will not relieve against an excessive fine, 302, but will settle a general fine to be paid by all the tenants, ib.
will not interpose for the lord in the case of heriots, 306
will compel a lord of a manor to admit a copyholder, 267. V. 457
where it will supply the want or defect of a surrender in a conveyance, 474
would supply a surrender to the use of a will, VI. 38
but such surrender now unnecessary, ib.

EQUITY—*continued.*
jurisdiction which it assumes over uses, I. 333
rules by which uses are governed in equity, 341
supports trusts, 381
when it will relieve against a forfeiture for breach of condition, II. 30; when it will not, 31, 32.; where it cannot relieve, it will decree a re-conveyance, 32
interference of, in respect of mortgages, 66
interference of, in respect to trustees to preserve contingent remainders. See *Remainder.*
joint tenancy not favoured in equity, 370
partition in equity of estates held in joint tenancy, coparcenary, and common, 388, 389. 397. 411
will decree an advowson in gross to be sold for payment of debts, III. 9
interposes to prevent the illegal sale of offices, 112
will assist a person in recovering a rent, 288
where it adopts the statutes of limitation, 458
where it will compel a remainder-man to execute a new lease to the lessee of a tenant for life, IV. 71
will assist an assignee in obtaining the benefit of covenants, 373
when it will presume or supply the want of livery of seisin, 48
protects the assignment of a chose in action, 96
where it will allow a remedy to exceed the penalty of a judgment II. 61, 62.; of a bond, IV. 94
interferes in the case of declarations of uses, by infants, lunatics, or idiots, 130
when it will support a defective execution of a power, 222
will not supply a non-execution of a power, 229
how it construes the register acts with respect to mortgages, 449, 450
will set aside a deed obtained by fraud, 410
will set aside a deed made in derogation of the rights of marriage, 413. See *Deed.*
will rectify a marriage settlement made in pursuance of articles when made contrary to the constructive import of the articles, 323, 324
discourages perpetuities, 330
will relieve against a private act of parliament, V. 23
interference of, with regard to fines and recoveries. *See* these articles.
will compel an heir-at-law to produce title deeds in favour of a devisee, VI. 9
will support a devise of lands contracted for, 23
adopts the rule in Shelley's case, in construing devises of trusts, 284
where it directs a conveyance under a will, it sometimes departs from the rule in Shelley's case, 289. 306, 307

EQUITY—*continued.*
will, in the case of executory devises, prevent the person in possession from committing waste, VI. 427
will support a trust of accumulation, *pro tanto*, 460
EQUITY OF REDEMPTION. See *Mortgage.*
is assets, I. 413. n.
is real property, and similar to a trust estate, VI. 67
ERASURE, when an avoidance of a deed, IV. 407
ERROR,
writ of, to avoid a fine, V. 234. 247. See *Fine.*
errors in a fine how and when amended, 138. See *Fine.*
writ of, to reverse a recovery, 424. See *Recovery.*
what may be assigned for error in a recovery, 427
ESCHEAT, what, III. 397
can only be of the fee, 401
lands escheating to the lord, become parcel of the manor, 252
where a writ of escheat before its abolition, by stat. 3 and 4 Will. 4. c. 27. lay, 398
for default of heirs, ib.
for corruption of blood, ib.
there can be no escheat where there is a tenant, 399
for petty treason and murder, I. 63
how barred,
by acceptance of rent, III. 400. Qu.
by alienation, ib.
sometimes by a devise, ib.
to whom lands will escheat, 416
Lord by escheat, ib.
subject to incumbrances, 417
was not bound to execute a use before the statute of uses, ib. I. 340
formerly doubted whether subject to a trust, 448. III. 417, 418
by later authorities considered bound by, I. 390.
but now, by stat. 4 & 5 Will. 4. c. 23., trust estates do not escheat, App. VII. 4
but before that statute the king not bound to execute trusts of land escheating, III. 418
may distrain for rent, 416
cannot enter for breach of a condition, II. 33. III. 416
entitled to a term attendant, III. 416
entitled to all charters, 417
not within the statute 32 Hen. 8. c. 34. respecting covenants, II. 35
What things escheat:
all lands and tenements held in socage, III. 401
not an estate tail, for the escheat must be of the entire fee, ib.
copyholds, ib.
not lands in gavelkind, for felony, ib.

ESCHEAT—*continued.*
What things escheat:
no real property, but what lies in tenure, III. 401
not estates held in trust, 417—419. App. VII. 4. Exception, I. 447
a use before the statute of uses did not escheat, 342. III. 402. 412
Q. as to an equity of redemption, 415
money to be laid out in land does not escheat, ib. 416
of the office of escheator, 419
feuds were liable to escheat, I. 16. 27

ESCROW, IV. 29

ESCUAGE, I. 23

ESTATE,
in land, what, I. 47
of freehold, ib. See *Freeholds.*
of inheritance, 54
estate in severalty, II. 363
privity of, between lessors and lessees, IV. 376
what passes by the word *estate* in a devise, VI. 175. See *Devise.*

ESTATE IN FEE SIMPLE. See *Estate Tail.*
meaning of the word *fee*, I. 54. 64. See *Fee* or *Feodum.*
reason for and effect of the word *simple*, 57. 64
estate in fee simple, or absolute, viz. inheritance absolute:
what, 55. 66, (and see Coke's Division of Fee or Inheritance, 64, *post*, tit. *Fee* or *Feodum.*)
no greater estate than, 55
may be rendered defeasible on a future event, when only, ib.
tenant in, to what entitled, as houses, trees, mines, minerals, fossils, ib.
by what words created in a deed, IV. 277. See *Deed.*
by what words created in a devise, VI. 207. See *Devise.*
when passes without the word *heirs*, IV. 278, or by fine *sur cognizance de droit come ceo*, or *sur cognizance de droit tantum*, V. 95, 96
Estate in fee simple, qualified or base, (or *potius* fee or inheritance qualified or base,) I. 64
what, ib.
privileges of, till the qualification is at an end, are those of fee simple, ib. 80
subject to dower, 162
no reversion exists after a grant of a qualified fee, II. 335
may be had in a dignity, III. 146
and acquired in a rent by recovery, V. 374
the alienee of a tenant in tail has a qualified or base fee, I. 80

ESTATE IN FEE SIMPLE—*continued.*
Estate in fee simple, qualified or base, (or *potius* fee, or inheritance qualified or base,)
cognizee of five levied by tenant in tail acquired, V. 161. 167, when merged, before the stat. 3 & 4 Will. 4. c. 74. 168. VI. 481, 482. 491. 495
is devisable, 22
Estate in fee simple conditional, (or *potius* fee, or inheritance conditional,) I. 64
what, 66, 67
when introduced, 67
how construed, 69
in copyhold how may be barred, V. 490
is the entire and absolute interest and property in the land, I. 55
Abeyance of the fee, *viz.* of the remainder or reversion of the, ib.
consequences as to action of waste, defending the title, &c. ib.
not favoured by law, and why, 56
all other estates and charges merge in, ib.
except in the case of an estate tail, 75
and even in that case after fine levied, before the stat. 3 & 4 Will. 4. c. 74. V. 168. *Vide supra.*
Incidents to this estate;
alienation thereof may be absolute notwithstanding any restriction, I. 56. IV. 330
or partial, notwithstanding any custom, I. 57
descent to heirs general, ib.
subject to curtesy, ib. 145
dower, 57. 160
liability (as assets in the hands of heir or devisee) to debts, 57—59
due to the crown, 60
from the time of contracting them, 61, 62
into whose hands soever it passes, 62
unless discharged, and how, ib. See *King.*
previously to stat. 3 & 4 Will. 4. c. 104. not so liable to simple contract debts, 59
except on bankruptcy of owner, (13 Eliz. c. 7.) and on his death being a trader, (47 Geo. 3. sess. 2. c. 74.) 58, 59
forfeitable for treason and felony, 63
and for disclaimer, 64
what conditions are, and may be, annexed to this estate, II. 2, and see *Condition.*
no remainder can be limited after a grant of the fee, 202, 203. 217
nor can an estate limited after a remainder in fee be vested, 220
several contingent estates in fee may be limited by way of substitutes, or in the alternative, 217
may be had in an advowson, in which case the tenant may present, III. 6. 14

ESTATES IN FEE SIMPLE—*continued.*
may be had in tithes impropriate, III. 49
in certain offices, 98
in a rent, 289.
passes by fine *sur cognizance de droit come ceo*, or *tantum*, without the word *heirs*, V. 95, 96
will pass by fine *sur consessit*, 97
by what words it passes in a recovery, 320
the tenant could not by a recovery bar collateral conditions, executory estates, &c. 393—nor alter the nature of the descent, 399
are devisable, VI. 22
a limitation over after a devise of a fee simple, may be good as an executory devise, 366
ESTATE OF FREEHOLD. See *Freeholds, Estate of.*
ESTATE IN POSSESSION, OR EXPECTANCY.
estates in possession,
are those where the tenant is entitled to actual pernancy of the profits, II. 202
estates in expectancy,
are those where the right to pernancy of the profits is postponed to some future period, as, *e. g.*
estates in remainder. See *Remainder.*
in reversion. See *Reversion.*
ESTATE TAIL, OR FEE CONDITIONAL. See *Estate in Fee Simple, Fee* or *Feodum.*
origin and nature of, I. 66, 67. 70
before stat. *de donis* was a fee conditional, alienable by donee after issue, born, 66. 68. 81
other incidents to, before that act, 81
Statute *De Donis Conditionalibus*, (13 Ed. I. W. 2. c. 1.) 69
construction of, ib.
does not affect personalty, as *e. g.* certain annuities not charged on land, 73
binds the king, 74
how far it affects copyholds, 291
extends to advowsons, III. 6
to what offices it extends, 102
extends to dignities, 146
to rents, 289
as to warrantry, IV. 361
described, since the statute *de donis*, I. 70
tail general and special, ib.
tail male and female, ib. 71
gifts in frank marriage, 71, 72
are estates in tail special, restrained from alienation by the stat. *de donis*, 72
how created, ib. IV. 51, and by what words, 279

ESTATES TAIL—*continued.*

what may be entailed, I. 72, 73
not personalty, which is not demandable *ut tenementa* in a præcipe, is not within stat. *de donis*, 73
annuity is such personalty, when, ib.
nor an estate for life, 103
granted by the crown as a reward for services are unalienable, 92
incidents to, 74
subject to curtesy, 75. 146
except as to second husband, when, 146
subject to dower, 75, 161
not subject to merger by accession of the estate in fee simple, 75
exception, before the stat. 3 & 4 Will. 4. c. 74., V. 168. VI. 481, 482
liable in hands of issue in tail to crown debts of ancestor by record or specialty, I. 85
exception for person to whom given, what, 86
might be discontinued, 78. See *Discontinuance.*
subject to bankrupt laws, 87, 88, 89
commissioners proper parties to convey, 88
forfeitable,
for treason, 90, 91
entirely, if the reversion is in the crown, 91
reversion or remainder remains, if in other persons, ib. III. 386
not forfeitable for felony longer than for life of tenant in tail, I. 91
forfeiture of, does not occasion corruption of blood, III. 159. 386
the issue in tail,
take by way of limitation, I. 78
shall not alien any more than donee or tenant in tail, 77, 78
not bound by ancestor's contracts, 83, 84
unless he confirms them, 84, 85
not subject to debts or incumbrances of his ancestor, 85
except crown debts by record or specialty, (33 Hen. 8. c. 39. s. 75.) ib.
grantee of estate tail on good consideration, not liable to debt of ancestor contracted after gift made, 86, 87
Tenant in tail, his interest, power, &c.
who may be: the king may be, 74
takes by purchase, 78
may now alien absolutely by deed, 83. 93
but consent of protector necessary, 88
when such consent cannot be obtained, ib.
inrolment necessary, 96
holds of donor, or reversioner, notwithstanding stat. *qui emptores*, 72

ESTATE TAIL—*continued.*
Tenant in tail, his interest, power, &c.
having remainder in fee, holds of the chief lord, I. 72
has a right to the title-deeds, 75
is not bound to pay off incumbrances, ib. 76
consequences if he does, 75
is in some cases bound to pay the interest on incumbrances, 76
paying off incumbrances, intention to discharge the estate will be presumed, 420. VI. 498
aliter of a tenant in tail in remainder, I. 420
may commit waste, *e. g.* fell timber, pull down houses, open mines, &c. 74
his alienation when good for his own life only, 77—80. 87. IV. 246
grantee of, and his grantee, are dispunishable for waste, I. 74
bond to restrain from committing waste is void, 75. II. 6
cannot bind his issue by any contract, I. 84
alienation by,
of the whole estate tail is voidable on death of tenant in tail, when, I. 78—82
sometimes a discontinuance, 78. See *Discontinuance.*
tolls entry of issue in tail, and drives him to his action, 78
but grant of a rent out of the estate tail is absolutely void on the death, ib.
may be sometimes avoided by entry or action of the issue, 79, 80. V. 165
cannot be made by jointress tenant in tail, I. 200
alienee of,
has a base fee, 80, 81
a good title will be decreed to be made to, when, 80
has a descendible estate, 81. See *Fine.*
could not previously to stat. 3 & 4 Will. 4. c. 74. create an estate to commence after his death, as *e. g.* to himself for life, remainder to his son in tail, and why, 80. 82, 83
exception, 83
may make leases for three lives, or 21 years, 87. IV. 61
who are barred by such leases, ib.
cannot destroy the custom of granting copyholds, I. 264
what use resulted to him on suffering a recovery, 378, 379
Qu. if he can be seised to a use, 350—352
Modes of barring estates tail, 91—97
warranty as well lineal as collateral, previously to stat. 3 & 4 Will. 4. c. 74. 92. IV. 358, 359
conveyance according to that statute, I. 93—96
previously to that statute fine, 92. III. 433. V. 156—and the fine barred the issue in tail, before all the proclamations were passed, 166
effect of fine with proclamations on estate tail, 156, 157

ESTATE TAIL—*continued.*
Modes of barring estates tail:
bargain and sale under the bankrupt acts, I. 89
private act, V. 8
the power of barring an entail cannot be restrained by any proviso, II. 6. IV. 331. V. 381
Q. whether a bond from a donee in tail not to suffer a recovery, is good, II. 6.
how the entail of a copyhold may be barred. See *Alienation by Custom.*
how the entail of money to be laid out in lands may be barred, I. 97
how the entail of a trust may be barred, 407
a *cestui que* trust in tail might call on the trustee for a conveyance, and then suffer a recovery, 449
how the entail of a customary freehold may be barred, V. 476
the forms required by law for barring entails cannot be dispensed with by equity, I. 84
limited as a jointure, cannot be barred by jointress, 200. See *Recovery.*
granted by the crown as a reward for services, cannot be barred, 92. IV. 350, 351. See *Recovery.*
no use results on the grant of an estate tail, I. 376
conditions which may be annexed to this estate. See *Conditions.*
may be extended by elegit during the life of the tenant in tail, II. 51, 52
bound by a decree of foreclosure, 198
a donee in tail is not within the statute 32 Hen. 8. c. 34, 35
descent of, III. 385
by what words created in a deed, IV. 279. See *Deed.*
by what words created in a devise, VI. 231. See *Devise.*
What may be entailed,
tenements of all sorts, I. 72, 73
Qu. as to copyholds, 273
money directed to be laid out in land, 73
trusts, 407
an equity of redemption, II. 94
advowsons, III. 6.—in which case the tenant may present, 14
certain offices, I. 73
tithes impropriate, III. 49
dignities, 146
rents, 289
personal inheritances cannot be entailed, I. 73, 74
nor estates for life, 103
nor estates for years, 235

ESTATE FOR LIFE, I. 47. 101
description of, 48. 101, 102
how created,
by deed or legal assurance, 102
by what words, IV. 287, 288
by lands let, or a rent granted generally, or by release of an estate held *pour autre vie*, 245
cestui que vie going abroad, when considered dead, in favour of the reversioner or remainder-man, I. 102
may determine before the death of the grantee, as *e. g.* on future contingencies, 102, 103
held of grantor by fealty, not being within stat. *quia emptores*, 103
cannot be entailed under stat. *de donis*, ib.
pour autre vie may be devised, 104
merges in the inheritance, ib.
pour autre vie merges in estate for man's own life in reversion, I. 102. 104. IV. 245. VI. 473, 474
no merger where an estate is granted, by the same instrument, for the donee's own life, and the lives of two others, I. 102
What acts amount to a forfeiture of,
granting a greater estate than he has,
by deed, except by certain modern conveyances, 108, 109
by matter of record, as
fine (except *sur concessit*) or recovery, except the remainder-man, &c. be a party, 109. V. 220. 398. 408
or where the tenant for life has remainder in tail in himself, 398
disclaimer on record, I. 109
implied disclaimer, 110
attainder of treason or felony, ib.
practice as to estates for life in copyholds in the west, 398
may be made to an unborn person, IV. 350. See *Perpetuities.*
not subject to curtesy, I. 148
nor to dower, 163
no use results on the grant of an estate for life, where, 377
conditions which may be annexed to an estate for life or years. See *Conditions.*
implied condition annexed to this estate, II. 2
May be had,
in a use, I. 353
in a trust, 407
in an advowson, III. 6.—in which case the tenant may present, 14
in tithes impropriate, 49
in certain offices, 99
in a dignity, 148
in a rent, 289

ESTATE FOR LIFE—*continued.*
May be had,
in joint tenancy, II. 364
may be limited to an unborn person, IV. 350. but not to his issue, ib. See *Perpetuities.*
may be surrendered by fine *sur cognizance de droit tantum*, V. 96
will pass by fine *sur concessit*, 97
by what words created in a deed, IV. 287
by what words created in a devise. See *Devise.*
Tenant for life, interest and power of:
has the usufruct property, the proprietas, or absolute inheritance being in another, I. 101, 102
pour autre vie, what, 102
holds of grantor by fealty, 103
entitled to estovers, 104, 105
to timber for repairs of houses or fences, 105
all the annual profits, and therefore to emblements, ib. 106
unless the estate is determined by his own act, 106. (and *see* 2 B. and A. Rep. 471.)
may pray in aid, ib.
not bound to pay off incumbrances charged on the inheritance, ib.
when he becomes a creditor, if he does, ib.
must keep down the interest, ib. 107. II. 154
making lasting improvements his representatives are entitled to amount of expenditure with interest, II. 149. when he may keep the title deeds, I. 107. and n.
the court of chancery will neither take from, nor deliver him title deeds, ib.
when a trustee by construction may convey the fee, 108
may grant the whole or a part of his interest, unless particularly restrained, ib. II. 7. IV. 332. n. (*a*). See *Powers.*
cannot grant a greater interest than he has, I. 108
ecclesiastic is *quasi*, 114
cannot fell timber, except for repairs or botes, 130, 131
nor dig mines or stones, except for repairs and improvements, 131, 132
timber cut on glebe of, how applied, 132.
heir has no right of entry where lands let for life, 50
cannot commit waste, 115. II. 2. as
cutting down or topping timber, I. 116, 117
pulling down houses, 117
opening new pits or mines, 118
changing course of husbandry, ib. 122
destroying heir looms, as deer, fish, game, or doves, 119. See *Waste.*

ESTATE FOR LIFE—*continued.*
Tenant for life, interest and power of;
has no interest in the trees if they are excepted in the lease, I. 116. 127
has particular interest in them when included in the lease, and what, 116
when may maintain trespass against lessor for cutting timber, ib.
may cut down underwood and coppices, according to custom of the country, 117
what is only permissive waste by, as to houses, 119
may work mines that are open, and open new shafts to them, 118
when bound to repair, to prevent further waste, in consequence of an act of God, 119
action lies against for waste, ib. 120. See *Waste.*
may fell timber to repair buildings, and for botes, 119. 126, 127
will be restrained from felling timber, though he has the first existing estate of inheritance, subject to intermediate contingent remainders, 124, 125
liable to rebuild house burnt down by accident, under covenant to keep in repair, unless exception introduced, 132, 133
may concur in a recovery without forfeiture, V. 352. 365. 398. 408. I. 109
without impeachment of waste, 127
had not originally the property of the thing wasted, 128
but now may cut down and convert timber, ib.
powers of the tenant, under the words, 'except voluntary waste,' ib.
trees blown down, or timber of building blown down, belong to him, ib.
not entitled to the timber until actually felled, ib.
lessee of, may commit waste, ib.
is obliged to keep tenants' houses in repair, ib.
will be restrained in equity from malicious or equitable waste, ib. 129
cannot cut saplings, or timber serving for shelter or ornament, 129, 130
cannot commit double waste, 129, 130
privileges under, are annexed to, and determine with, the privity of estate, 130
having partial powers of committing waste, ib.
cannot destroy the custom of granting copyholds, 264
being lord of a manor, may grant copyholds in reversion, 269, 270
making lasting improvements entitled to principal and interest, II. 149
how he must prescribe in a *que* estate, III. 422
his warranty was void, IV. 365
may make leases for his own life, or a less term, 67
a recovery suffered by him is void, V. 351

ESTATE POUR AUTRE VIE,
what, I. 47. 102
merges in an estate for life, when, and when not, 102. 104. VI. 473, 474
not now subject to general occupancy, I. 110
may be devised, 111. VI. 22, 23
to be applied on intestacy, as personalty, I. 111
if the tenant continues in possession after the death of the *cestui que vie*, he is tenant at sufferance, 249
ESTATE TAIL AFTER POSSIBILITY OF ISSUE EXTINCT,
how this estate arises, I. 134
there must be a moral impossibility of either of the donees having issue, 135
the impossibility must proceed from the act of God, ib.
may be of an estate in remainder, as well as of an estate in possession, ib.
in what similar to an estate tail, 135, 136
in what similar to an estate for life, which it in fact is, 136
the privileges of this estate are annexed to the person of the tenant, and cannot be transferred, 137, 138
will merge in an estate in fee simple or tail, 136. VI. 475
and in an estate for life, ib.
may be exchanged for an estate for life, for as to duration they are equal, ib.
condition annexed to it by law, II. 2
Tenant in tail after possibility,
who may be, I. 134, 135
is dispunishable for waste, and may cut timber, 136
may be restrained from malicious waste, 137
statute 3 & 4 Will. 4. c. 74. does not extend to, 138
is but a tenant for life, 136. 420
paying off incumbrances is considered a creditor, 420
ESTATE BY CURTESY. See *Curtesy*.
ESTATE IN DOWER. See *Dower*.
ESTATE FOR YEARS,
origin of, I. 222, 223
described by Littleton, 223
of whatever length, and though originally held by freemen, is not a freehold estate, ib. 47
but is a chattel real, which vests in executors or administrators, though otherwise limited by the party, 227. IV. 242. VI. 34. Exception for the king, I. 228
vests in executors *ad infinitum*, till course of representation is interrupted by one administration, ib.
a term for half or a quarter of a year, is, 223
a term for a small number of years is as high an interest as for many more years, II. 380

ESTATE FOR YEARS—*continued.*
frequently called a term; which signifies not only the period of continuance, but the estate and interest which passes, I. 223. IV. 59
must have a certain commencement and termination, I. 223
fealty to lessor is incident to, ib.
could not be defeated by collusive recovery in real action, 224
introduction of long terms for years, ib.
ancient and modern purposes of, ib.
is consistent with a grant of the reversion, 225
when created by conveyance at common law, does not vest, till entry of lessee, or his executors or administrators, ib.
otherwise when term created by conveyance under the statute of uses, ib. IV. 114
entry before lease begins is a disseisin, I. 225, 226
interesse termini, or lessee's interest before actual entry, 224
may be assigned before entry, 226
will not merge nor prevent merger, VI. 470
may be made to commence in *futuro*, for the freehold being still in lessor, is not in abeyance, I. 226
may determine by proviso; as *e. g.* when the trusts of the term are satisfied, 227
granted in joint-tenancy, goes to survivor, II. 369—so does the trust of such a term, 370
conditions may be annexed to, without technical words, when, IV. 354
disposition of, by one executor, is good, I. 228
aliter, by one administrator, ib.
assignable by that one of two or more executors who proves the will, ib.
assignable before probate, if it is afterwards obtained in the local ecclesiastical court, ib.
assent of executor to bequest of, when necessary, and when presumed, ib.
purchaser of term from executor, is not liable for application of purchase money, ib.
administration of, being the wife's property, 228, 229
special administration of, commonly granted, 228
husband's right to alien, being his wife's property, 229
alien takes no right to, belonging to his wife, ib.
a freehold cannot be derived from it, ib., but a rent, as a chattel interest, may, ib.
subject to crown, judgment, and simple contract debts, 234. IV. 421
but *bonâ fide* sale of, is good against all creditors, even the crown, I. 234
may be limited for life, with remainder over, to any number of then existing persons, for their lives, 235

ESTATE FOR YEARS—*continued.*
but not entailed, ib. IV. 334
limited to a person, and the heirs of his body, will not cease though there is a failure of issue, I. 235
merges. See *Merger.*
by union of the term and the freehold in the termor, when, 236, *et. seq.*
by union with a term in reversion, 240
by lessee's surrender to the remainder-man, or reversioner, after entry, 237, 238
by surrender of assignee of lessee, before assignee's entry, 238
equity relieves against, 240
does not merge,
when the term and the fee meet in the same person in different rights by operation of law, 239
so where they meet in different rights in the same person who has not the power of alienation over both estates, ib. VI. 480
where the term is vested in feoffees to uses, I. 240. 358—361
may be assigned, or a less estate created by tenant, 234, 235
how forfeited by tenant's attempting to create a greater interest than he lawfully can, 241
is a greater estate than a copyhold, 254
no use results on a grant of it, 376
conditions annexed to estates for life or years. See *Conditions.*
implied condition annexed to this estate, II. 2
may be extended by eligit, 52
how affected by a judgment, ib. 53
May be had,
in an advowson, III. 6, in which case the tenant may present, 14
in tithes impropriate, 49
in certain offices, 99
in a rent, 289
but not in a dignity, 148
reversions expectant on estates for years. See *Reversion.*
might be barred by fine and nonclaim, V. 182
would pass by fine *sur concessit*, 97
how a fine might be levied of an estate for years, 120. 182.
is devisable, VI. 23. See *Chattel Real.*
will pass by a will executed previous to the acquisition of an estate, 34
Tenant for years, interest and power of,
has no seisin, I. 224
might falsify recoveries of their land had by collu sion, ib. V. 269
his estate does not vest till entry, I. 225
entering before his estate commences is a disseisor, ib.

ESTATE FOR YEARS—*continued.*
Tenant for years, interest and power of,
this possession is that of the heir, I. 50. 141. III. 344
lessee for half a year or any less time considered as tenant for years, I. 233
cannot grant away his interest, after having entered and been dispossessed, 227
entitled to same estovers as tenant for life, 230
cannot fell timber, or commit other waste, and see 8 East, 590. ib. II. 2
punishable for permissive waste, I. 119. 230
is within statutes Marlbr. and Glouc. against waste, 120. 231
action for waste, when lies against him, and his executors, 121. 232
without impeachment of waste,
will be restrained in equity, in same manner as tenant for life, 232
cannot dig and carry away the soil for bricks, ib.
nor fell timber just before lease expires, ib.
how far exempted from actions for accidental fire, 133
entitled to emblements when the estate is determinable on an uncertain event, 233, 234
may alien the whole or a part of his interest, 234, 235
may create a remainder, 235
holding over his term, becomes tenant at sufferance, 249
no notice to quit necessary to determine tenancy of lessee for a certain time, 251
is a purchaser by his contract and his covenants, 403. IV. 433
fine levied by, bound no strangers thereto, V. 120, and the lessor was within both of the savings in 4 H. 7., 202, and might bring ejectment without entry, 248
may be restrained from alienation, II. 7. IV. 332, n. (a)
how he should prescribe in a *que* estate, III. 422
his warranty was void, IV. 365
what leases he may make, 67
may assign his interest without consideration, 88, 89
might falsify a common recovery, V. 443
mortgagor in possession is, in what case, II. 80
terms attendant. See *Trusts.*
declarations of trust of terms. See *Declarations.*

ESTATE FROM YEAR TO YEAR,
how this estate arises, I. 245—247
binds the persons to whom, after its commencement, the reversion is granted, 247
goes to the executors and administrators of the tenant, ib.
privity between the tenant and the lessor, 246
he may therefore take a release of the inheritance, 248

ESTATE FROM YEAR TO YEAR—*continued.*
the tenant entitled to six months' notice to quit, I. 248
and the landlord is entitled to the same notice, ib.
for right to recover land or rent against tenant from year to year. See stat. 3 and 4 Will. 4. c. 27. s. 8
ESTATE AT WILL,
description of, I. 242
cannot be made to a man and his heirs, at will of lessor, 242
may arise by implication, as by entry under void lease, or holding over after term expired, 243
must be at the will of both parties, ib. 244
cannot be granted over, 244
by what words created in a deed, IV. 288
is not surrenderable, 87
how determinable, I. 244, 245
may be had in certain offices, III. 100
in what similar to the estate of a mortgagor in possession, II. 80
demise for uncertain time is seldom construed to be, I. 246
Tenant at will, interest and power of,
his grantee is a disseisor, 244. Qu. ib.
sometimes entitled to emblements, ib.
cannot commit waste, ib.
not punishable for permissive waste, like tenants for years, ib.
no action lay against, within the statute of Gloucester, ib.
waste by, determines the estate, 245
six months' notice to quit must be given to him, or his personal representatives, ib. 248
how he must prescribe in a *que* estate, III. 422
may take a release, IV. 80
mortgagor in possession is, when, II. 80
for right to recover land or rent against tenant at will. See stat. 3 & 4 Will. 4. c. 27. s. 7
ESTATE AT SUFFERANCE,
description of, I. 249
distinction between the tenant and an abator, ib.
there cannot be a tenant at sufferance against the king, ib.
no privity between the tenant and the owner, ib.
so that his estate cannot be enlarged by release, ib. 250
tenant only holds by laches of owner, 249
a person holding after notice from lessor must pay double value (4 G. 2. c. 28), 250
landlord, his agent, or receiver, appointed by chancery, may give notice, ib.
may be given before termination of lease, ib.
acceptance of single rent no bar to recovery, 251
where a person holds over after giving notice to quit, he must pay double rent, ib.

ESTATE AT SUFFERANCE—*continued.*
and a parol notice is sufficient, I. 251
the tenant cannot take a release for want of privity, IV. 80
nor grant a copyhold, I. 271

ESTATE UPON CONDITION. See *Conditions.*

ESTATE BY STATUTE MERCHANT, STAPLE, AND ELEGIT, II. 38
in what manner estates are held as security for money, ib.
chattels and annual profits of lands, but not lands, were at common law liable to payment of debts, ib. 39. 42
except where the debt was to the king, or owing by the heir on bond of his ancestor, 39
by stat. Acton Burnell *de mercatoribus*, 11 Ed. 1. and 13 Ed. 1. st. 3. c. 1. lands were made liable for payment of debts, ib.
of a statute merchant, ib. 40
of a statute staple, 40, 41
of a recognizance in nature of a statute staple, 41. IV. 95
form of a recognizance, II. 41, 42
enrolment of statutes and recognizances how to be made, 42
of a judgment and elegit under 13 Ed. 1. West. 2. c. 18., ib. 48. See *Judgment, Elegit.*
what may be extended on a statute or recognizance, 47. 51. IV. 95
execution on a statute or recognizance, II. 46, 47. See *Recognizance.*
a *liberate* is necessary on a statute staple or recognizance, but not on a statute merchant, 47
where the court of chancery may award a re-extent, ib, 48
who may extend lands, 47.—and how, 48. See *Elegit.*
no execution against the heir during minority, 49
priority of the crown in executions, ib. 51
the subject's execution by elegit had before the king's suit commenced is preferred to it, 49, 50, 51
the court of exchequer may sell absolutely on extent by the crown, 62
how a judgment affects a term for years, 52, 53
these estates are only chattels, 54, 55
the tenant has like remedy by assize for them as for freeholds, 54, 55
and may be punished for waste, 55
his other remedies on eviction, 56. 59
must be executed by entry, 55
cannot be assigned before entry, ib.
could not be barred by recovery, ib. V. 423
might be barred by fine and nonclaim after actual extent, 184. 228
effect of fine levied by cognizor of, 192, 193
cognizee by statute of a manor to which an advowson is appendant cannot present, *semble*, III. 20

ESTATE BY STATUTE MERCHANT, &c.—*continued.*
duration of these estates, II. 59
cognizee may hold over for payment of interest, &c. when, 58, 59. 61, 62
determination of these estates;
of an estate by statute or recognizance by *scire facias ad rehabendum terram*, II. 60
of an estate by *elegit*;
sometimes by entry, ib.
when by *scire facias*, ib. 61
an assignment of statutes, &c. will protect purchasers without notice, 63
Writ of *elegit*,
originated from 13 Ed. 1. West. 2. c. 18., II. 42
practice of executing warrants of attorney to enter up judgment for debts is derived from this act, 43
lies on a warrant of attorney for a debt, ib.
proceedings on, and duty of sheriff under, 48
only half the debtor's land can be extended by, or the whole execution is void, ib.
where two judgments in elegit are obtained by one person, he may extend both moieties, ib.
but a moiety of the remaining moiety only can be extended if the judgments are several, ib.
moiety must be set out by metes and bounds, ib.
but need not be the half of each particular farm and tenement, ib.
sheriff only delivers legal, and not actual possession, 55
actual possession must be recovered by ejectment, ib.
evidence in such ejectment, ib. 56
cannot be recovered, where there is a tenant in possession under a lease prior to the judgment, 56
but a moiety of the reversion and rent may be extended, 51. 56
what may be extended by elegit;
an estate in fee simple in possession, 51
an estate in reversion expectant on leases for life or years, and a moiety of the rent, ib.
a rent charge, 52
lands purchased after obtaining a judgment, 48, 49
though aliened by debtor before execution, 48, 49
but not if he had aliened before the judgment, 49
trust estates for the debts of *cestui que trust*, I. 412, 413. II. 53
estate tail for the life of the tenant in tail, 51
term for years, 52., lands held in ancient demesne, ib.
what may not be extended by elegit,
lands aliened before the judgment, 49

ESTATE BY STATUTE MERCHANT, &c.—*continued.*
what may not be extended by eligit,
copyholds, II. 54. glebe lands, ib.
advowsons in gross, ib. III. 9
equitable interest in term for years, II. 54.
equity of redemption, ib.
interest on, beyond penalty of judgment, 61, 62
ESTOPPEL,
a contingent remainder may pass by estoppel, II. 333
deed may operate by, IV. 256
where a common recovery would operate by estoppel, V. 310. 396
a fine might operate by estoppel, and as such would pass executory interests, 213. VI. 425
the surrender of a possibility will not operate as an estoppel, V. 452
ESTOVERS,
what are, I. 104, 105. 280
a tenant for life entitled to them, 104, 105
also a lessee for years, 230
and copyholders, 280
common of estovers, III. 69
a recovery cannot be suffered of estovers, V. 340
ESTRAYS, III. 260
EVIDENCE. See *Parol Evidence.*
of illegitimacy, III. 319, 320
of customay descents, 394
cannot be admitted to contradict a record, V. 84, 85. 237. 427
in a writ of error to reverse a fine, 236, 237
of a recovery under the stat. 14 Geo. 2. c. 20., 336
of a fine, 83
parol evidence admissible to rebut resulting trusts, I. 392
but not against the legal operation of a deed or implied trust, ib.
EXCEPTION IN A DEED, IV. 271
EXCHANGE. See *Deed.*
defined, IV. 74
circumstances necessary to, are
equality in quantity of estate, 74
that the word *excambium* be used, 74—76. 357
that it be executed by entry or claim in life of the parties, 74
but an exchange by lease and release is complete by stat. of uses without entry, 75
if both parties die before entry, an exchange at common law is void, but if one enter it is good, ib. III. 329

EXCHANGE—*continued.*
circumstances necessary to, are
that if of things which lie in grant, it be by deed, IV. 74, 75
that if of lands lying in several counties it be by indenture, 74
since 29 Car. 2. c. 3. s. 4., every exchange must be by deed in writing and signed, 75
is complete without livery of seisin, ib.
implied a warranty, 76, 357
can only be between two distinct contracting parties, 76. V. 13
but there may be more than two persons, IV. 76
implies a condition of re-entry, 357
by whom may be made, 76
by an infant is only voidable, ib.
by husband and wife may be avoided by wife after husband's death, ib.
by ecclesiastic, ib. 14
by tenant in tail with tenant in fee simple, how avoidable, 75. I. 79
heir takes by descent in case of, when, III. 329
revokes a devise, VI. 103
of lands lying in common fields, by stat. 4 & 5 Will. 4. c. 30. App. VII. 6
EXCOMMUNICATE, may be grantor or grantee of copyhold, I. 272
EXECUTION. See *Judgment.*
when a sale by execution is a breach of a condition restraining alienation, II. 11
upon a statute of recognizance by elegit. See *Estate by Statute Merchant*, &c.
priority of the crown on, 49—51
subject's elegit had before king's suit commenced, is preferred to it, 51
whether an execution on an estate in joint tenancy binds the survivor, 376
in a recovery. See *Recovery.*
EXECUTORS AND ADMINISTRATORS,
entitled to a term for years, I. 227
and to a tenancy from year to year, 247
in what cases they may grant copyholds, 270, 271
administrator an assignee within a condition restraining alienation of lessee, his executors, or assigns, II. 7
may take advantage of the breach of a condition, 34, 35
entitled to money due on mortgage, 155
of an executor, are liable to an action for waste done by their testator, 321
when entitled to a rent, III. 283
what leases they may make, IV. 68

EXECUTORS AND ADMINISTRATORS—*continued.*
when entitled to the next presentation to a living as a chattel real, III. 14
executors having lands in trust to pay debts might be barred by fine and non-claim, V. 179
remedy by and against by stat. 3 & 4 Will. 4. c. 42. I. 121
administrator's claim accrues from death of deceased, 3 & 4 Will. 4. c. 27. s. 6
when power of sale in, whether heir necessary party to conveyance, VI. 361
EXECUTORY DEVISE. See *Devise.*
EXECUTORY INTERESTS. See *Contingent Remainder.*
devisable, VI. 26, 27. 424
assignable, and would pass by fine or recovery, 425
pass at law as to lands in Ireland, by stat. 4 & 5 Will. 4. c. 92., App. VII. 13
descendible and transmissible to heirs and executors, 426
EXPECTANCY, estates in, II. 202
of issue in tail not barrable under 3 & 4 Will. 4. c. 74. V. 233
EXTENT,
process by writ of, in exchequer for debt to the crown, I. 60
uses not extendible before the statute of uses, 342
upon a statute or recognizance. See *Estate by Statute Merchant, &c.*
EXTENTA MANERII, 4 Ed. I., I. 42, 43
EXTINGUISHMENT,
of copyholds, I. 324. See *Copyholds.*
of a particular estate destroys contingent remainders, II. 271
of common by release, III. 81
of a right of way, 90
of a rent, 297
a release may operate by extinguishment, IV. 81
of powers, 234
of an *interesse termini*, VI. 471
EXTRA-PAROCHIAL LANDS, pay tithes to the king, III. 48

F.

FAIRS AND MARKETS, right of holding them, III. 264
FALSE JUDGMENT,
writ of, did not lie on decision of a customary court, I. 267
lay to amend errors of a court not of record, V. 242
lay to reverse what recoveries, 440
FARM,
origin of the word, III. 272
what passes by this word in a deed, IV. 267
what in a devise, VI. 190

FEALTY, or OATH OF FIDELITY,
nature of, I. 11. 24
is not dispensed with as by release of seigniory in gross, 34. 40
not necessary to tenure in frankalmoign, 44
incident
to tenure in socage, 35
to an estate for life, 103
to an estate in dower, 165
to copyhold tenures, 280
to a reversion, II. 337
not to estate at will, I. 243

FEE, or FEODUM. See *Freehold, Estate in Fee Simple.*
fee, *i. e.* inheritance, I. 54. is best divided into
fee simple or absolute, 64
fee conditional, ib.
fee qualified or base, ib. See *Estate in Fee Simple.*
meaning of the word *feodum*, 54
feodum novum and *feodum antiquum*, distinction between, 15
feodum novum held as a *feodum antiquum*, its effects, ib. III. 335
feodum talliatum, I. 15. 67. 70. See *Estate Tail.*

FEE-FARM RENTS, III. 274. 285. IV. 153
not within statutes of limitation, III. 456. 465

FELONY. See *Attainder.*
to acknowledge a fine in the name of another was felony, V. 88

FEMALES,
formerly succeeded to dignities according to primogeniture, III. 189, 190
succeed equally to the estates of their ancestor, 333
marriage contracts by female infants, IV. 15

FEME COVERT. See *Married Women.*

FEME SOLE, the Queen, one by prerogative, IV. 12

FEODUM. See *Fee, or Feodum.*

FEOFFEE TO USES. See *Uses.*

FEOFFMENT. See *Livery of Seisin. Fines.*
was the only written instrument of conveyance by the ancient law, V. 64
is a gift of a free inheritance to a man and his heirs, IV. 46
donor must be in possession, 77
is a common law conveyance, 45
technical words of, are unnecessary, 46
was good at common law, without consideration, I. 341
by deed poll, IV. 8
signing and sealing deed of, is incomplete without formal delivery of possession by feoffor to feoffee, IV. 46. See *Livery of Seisin.*

FEOFFMENT—*continued.*
who may convey by feoffment,
a corporation sole or aggregate, IV. 49, 50
a tenant in common or coparcener, but not a joint tenant to his companion, 50
effect of a feoffment with livery of seisin by an idiot or lunatic, 49
by an infant, ib.
cannot be made to commence *in futuro*, 48
unless in the case of a remainder, 49
can only be made of corporeal hereditaments, of which the feoffee may have actual livery, 50
operation of, ib.
transfers the freehold by disseisin without regard to the feoffor's quantity of estate, ib. and see 52. V. 120. 293
by a tenant in tail,
created a discontinuance, I. 79. IV. 51
except to create a lease warranted by stat. 32. H. 8. c. 28. s. 1. so as to bind the issue in tail, 61
destroys contingent remainders, when, II. 269
by a tenant for life,
creates a forfeiture, I. 109. 241. IV. 51
destroys his powers, 236
of his life estate destroys contingent remainder, II. 269
by tenant for years, IV. 50
creates a forfeiture, I. 241. II. 2
distinguished from a gift or grant, IV. 51
does not bar collateral powers, 238, 239
when it altered the descent, III. 337, 338. 341
by an infant with livery of seisin, prevents an escheat, 400
taking, by purchaser from a *cestui que use* before fine levied, V. 300
to make a tenant to the *præcipe* 293. when it operated as a disseisin, ib.
without livery of seisin, held to be a revocation of a devise, VI. 94

FEUDAL JURISDICTION,
of lord to determine disputes of his vassals, I. 17, 18. 31

FEUDAL SYSTEM,
customary law of Normandy, introduced into England, I. 3, 4
generally adopted here, *circa* 20 W. I. A.D. 1085. 19

FEUDS,
origin and nature of, I. 3. 5
defined, 8
different kinds of, as proper, improper, &c. ib. 9
mode of granting, by investiture, before witnesses, &c. 9.
incidents to, as fealty and homage, 10, 11. 24
fealty necessary to existence of, 11

FEUDS—*continued.*
duties of lord and vassal, as counsel and aid, feudal aids, I. 11, 12. See *Aids, Lord and Vassal.*
were unalienable without consent of the lord, ib.
might be partly disposed of by subinfeudation, 13
subinfeudation taken away,
in France, ib.
in England by statute *Quia Emptores*, 22. See *Subinfeudation.*
estate of lord in, 13
estate of the vassal, 12
consequences of vassal's eviction from, ib.
duration of, at first precarious, ib.
how became hereditary, and rules of descent of, 14. 19, 20
descent of,
to collateral relations, checked, 14
investiture on, 15, 16
relief on, 16
escheat of, ib.
forfeiture of, ib. 17. See *Lord and Vassal, Seigniory.*
introduction of, into England, 19

FIDEI COMMISSUM,
origin and nature of, I. 332
gave rise to uses, 333

FINES,
to which copyholders are subject. See *Copyholds.*
for alienation of property, I. 27, 40. IV. 4. 6
due to the king on suing out original writs, V. 72

FINE TO LORD ON ALIENATION OF FEUD,
origin of, I. 13

FINE,
origin and nature of fines, V. 63, 64
form of, 65
why so called, ib.
description of, ib.
in England and Wales abolished by stat. 3 & 4 Will. 4. c. 74. V. 63
in Ireland, by stat. 4 & 5 Will. 4. c. 92. App. VII. 12
transferred land without livery of seisin, and why, V. 65, 66
more highly favoured in law than any other assurance: and writ of *querela de fine facto*, &c. 66
taken from the *transactio* of the civil law, ib. 70
when first introduced into England, 67
ancient manner of levying, 69
modern manner of levying was settled by stat. 18 Ed. I. 71
fines were at common law, and with proclamations, 92. 167
when fines were said to be completed, 79. 88, engrossed, 82
all the proceedings on fines must have been recorded, 83

FINE—*continued.*
act 31 Car. 2. c. 3., after the chirographer's office burnt, V. 84
motions to prevent fines from being completed, 87
to acknowledge a fine in the name of another was felony, 88
began to operate, when, 89
from return day of the writ, ib.
acknowledged out of the kingdom, how proved, 112, 113
I. The original writ,
its necessity, 71
fines levied without it were only voidable, but not void, ib.
fines might be levied on any writ which concerned lands, instances, 72
usually a writ of covenant, ib.
there must have been one for each county, ib.
on what days tested: fifteen days between the teste and return, ib.
primer fine was due to the king on suing out, ib.
its amount, ib.
directed to the coroner when the sheriff was a party, ib.
if countermanded by a *retraxit*, a fine could not be levied thereon, ib.
did not abate by the death of the king, 73
but if any of the parties died before the return, the fine would be void, ib.
how the parcels should have been described in, 141
whether it might be amended, 139
II. The *licentia concordandi*, 73
of the king's silver, or post fine, on obtaining,
its amount, 73
how entered, and what such entry ought to have contained, ib. 74
the death of any of the parties before entry generally made the fine void, 74, rule of court on that head, 80, affidavit of the parties being living when necessary after lapse of year, or of year and day, before entry, 75
rule of court, and statute of 32 Geo. 2. c. 14, respecting its payment, ib. 76
a mistake in the entry would be amended, 140
no averment which contradicted the record could be made as to the time of entry, 237
III. The concord,
was the substance of the fine, 78, and completed the fine, 79. 88
nature and form of, 88
contained an express warranty by cognizor to cognizee, 78, 169
parties to a fine must have appeared personally in court, and not by attorney, 79
could not be acknowledged before writ of covenant sued out, and rule of court, ib.

FINE—*continued.*
death of cognizor after acknowledgment of, V. 79
of what lands, and between what persons, might be made, 80
might extend to lands in different counties, ib.
was similar to a judgment in an adverse suit, and the consequences, ib. 81. 172, 173
lands were never limited in, to two persons and their heirs, but to the two and the heirs of one of them, 81
except in gavelkind, ib.
no fine ought to have been levied on condition, 82
nor should a saving, exception, or clause of re-entry, have been allowed therein, ib.
the parties might insist upon having the indentures made to agree with the concord, ib.
IV. The note, 82
V. The foot, chirograph, or indenture, ib.
meaning of the word *chirographum*, 70
fine when completely levied and engrossed, 82. 88
the record of the fine remaining with the chirographer was the *principale recordum*, 83
is evidence to all persons, and in all courts, ib.
tables of fines to be fixed in C. P. and courts of assizes, ib.
there could be no averment against the record of a fine, 84, 85
no averment admitted as to time of caption, 85
an averment however was admitted to explain, not contradict a fine, when there was an *ambiguitas latens*, 87
The proclamations,
statutes requiring them, 90
were indorsed on the foot of the fine, and considered as matters of record, ib.
were void, if made on days when the court did not sit, 91
an error in, did not avoid the fine, but it enured at common law, ib.
how proved in evidence, ib. 92
heirs of cognizee might cause to be made after his death, 92
might be amended, even after a writ of error for defect in them, 141
fines levied by tenants in tail barred the issue, before all proclamations were duly made, 166, and why, ib. 167
fines levied without, might be avoided without entry, 243
Executed and executory fines, 93
origin of the distinction between, ib.
no writ of possession was necessary to gain possession of the land passed by the fine, 94
no rent could be reserved on an executed fine, 95, 96
Sur cognizance de droit come ceo qu'il a de son done:
nature and form of, 94, 95
was an acknowledgment of a feoffment on record, 95

FINE—*continued.*
Sur cognizance de droit come ceo qu'il a de son done :
was executed, and gave cognizee immediate possession of the land, V. 95
passed a fee simple without the word 'heirs,' unless there were express limitations, ib.
and nothing but an absolute freehold, ib. 96
rent could not be reserved on, 95, 96
if levied by tenant for life was a forfeiture, 219. I. 109
Sur cognizance de droit tantum :
nature and form of, V. 96
generally used to pass a reversionary interest, ib.
might be used by a tenant for life, to surrender to remainder-man, &c. ib.
was called a fine upon surrender, ib.
was executory, and passed a fee simple without the word 'heirs,' ib.
Sur concessit :
nature and form of, 97
was executory, ib.
could not be levied for passing such estate as the party might have, but what he had, ib.
levied by a tenant for life was not a forfeiture, 220
by married woman, 174
barred an entail as long as it continued in force, 166
Sur done, grant et render :
nature and form of, 97. 222
comprehended the fine *sur cognizance de droit come ceo, &c.* and the fine *sur concessit*, 97
was used to create particular limitations of estates, 98. 222
was part executed and part executory, 98
of what lands, and to whom the render must have been made, ib.
wife of cognizee was not entitled to dower, ib.
operated as a feoffment and re-enfeoffment, and gave a new estate, ib.
need not have had such a precise form as other fines, why, ib.
declaration of uses of, contrary to the grant and render, was void, 99
gave a new estate, and altered the descent, 221
was the only fine which altered the descent, 222, and how operated on an estate tail, 165
cognizor could not assign error in the *grant* and *render*, 236
In what courts fines might be levied :
originally in all courts having power to hold plea of land, V. 100
usually in the court of common pleas, 101
also in the courts of the
county palatine of Lancaster, 101, 102
county palatine of Chester, 102

FINE—*continued.*
In what courts fines might be levied:
county of the city of Chester, V. 102
dedimus by mayor, 107
how such fines may be reversed, 235
county palatine of Durham, 103
of great sessions in Wales, 104
how such fines may be reversed, 235
of the Isle of Ely, 104
of ancient demesne, ib.
and of cities and corporate towns, 105, 106
in the court of common pleas,
fines of copyholds could not be levied there, 183
rules of the court relative to fines, 75. 77. 79. 87. 111, 112
fines of lands held in ancient demesne could not be levied in, 104
Who might take the acknowledgment of fines:
two justices of common pleas, 101
chief justice of the common pleas, 106
commissioners appointed by writ of *dedimus potestatem*,
out of chancery, 107
granted by mayor of city of Chester, for fines within that city, ib. 114
who might be such, 108
their duty, 109
origin and nature of the writ, 106, 107
how the acknowledgment of a fine was to be taken and certified, 110, 111, 112
a fine will not be reversed for a trifling error in the return under this writ, 111
the writ should bear *teste* on or after the date of the writ of covenant, 109
rules of court respecting the writ, 111, 112
justices of Wales, 114
judges of assize, 108
fines taken by commissioners out of the kingdom, how proved, 113; the strictness remitted, ib.
Who might levy fines;
all persons of full age and sufficient understanding, 115
the king, by grant and render, ib. 116. 166
the queen, 116
married women,
if joined with their husbands, 116. 172, 173. IV. 128
so of a trust estate, V. 181
might formerly have appointed their husbands attorneys to levy fines for them, 116. 173
but latterly must have been privately examined, 116, 117

FINE—*continued.*
Who might levy fines;
an averment that a married woman had not been privately examined would not be admitted, V. 116, 117
effect of a fine levied by a married woman alone, 117, 118
a fine is void, if it appear by the record that she was married, 118
cases in which fines acknowledged by wife without her husband have been allowed on *valeat quantum*, 119
no saving in their favour in the stat. *de modo levandi fines*, except in case of infancy of husband at the time of fine levied, 151, 152
origin of their power of joining their husbands in fines, 172
where they levied fines with their husbands, of their own estates, the whole interest passed from them, 173, the warranty in such fines should have been from the husband and wife, and the heirs of the wife, 174
acknowledgment of by married women, 106. 117
person appointed to convey under 1 Will. 4. c. 60. s. 8. instead of married woman trustee, 119
joint-tenants, coparceners, and tenants in common, of their respective shares, ib.
persons outlawed, 120
disseisors or abators, when, 121
persons having seisin in law by descent, ib. or having a defeazible right only, ib.
Who were incapable of levying fines,
persons having no estate of freehold in the lands, either by right or wrong, 120. 247
tenants for years, or by statute merchant, statute staple, or elegit, 120. 182
copyholders, 120
Qu. as to fines by tenants for years, or copyholders in by disseisin, ib. 417. n.
persons having taken possession by wrong could not levy a fine before receipt of rent, 122
cases in which a fine might operate, though the parties had no estate of freehold,
when levied of a trust estate, 126. 179, 180. 250
or by a vouchee to a demandant in a real action, 126
aliens, ib.
infants should not be allowed to levy fines, 127
if an infant was permitted to levy a fine, which was not reversed during his minority, it must stand good, ib.
fact of infancy is tried by inspection of the infant's person in open court, ib.
on what other evidence, ib. 128

FINE—*continued.*
Who were incapable of levying fines,
if an infant levied a fine, and the infancy were recorded, the fine might be avoided at any time after, V. 128
infant trustees might levy fines, ib.
fines of, how relieved in equity, 253, 254
idiots and lunatics should not have been permitted to levy fines, but if permitted, the fines were good, 129, relief in equity, when, 253, 254
a corporation aggregate, but not a sole corporation, 131
women seised of jointures, and husbands seised *jure uxoris*, 231. 408. 413
every estate created by the fine of a jointress was void as against the heir, 409
What persons might take lands by fine, 131
infants, married women, and corporations, why, ib.
the king, ib.
Of what things a fine might be levied,
every species of real property, 132
an office, though no præcipe could be brought for it, ib.
an advowson in gross, ib.
a rent, ib., but a rent in the hands of a third person could not be barred by fine, 228
tithes impropriate, 133
not of a dignity, III. 154. V. 233
nor of money to be laid out in land, 134
a share in the New River, 133
what descriptions should be used, 134
equity restrains the operation of a fine to lands really belonging to the cognizors, 137
In what cases a fine might be amended,
Qu. whether an amendment was allowed in the original writ, 139
a mistake in the entry of the king's silver might be amended, 140
the proclamations might be amended, 141
the description of the parcels sometimes amended, ib.
a fine permitted to pass as of a term twenty-two years previous, ib.
amendment not now necessary if the error in the proceedings be apparent from the declaration of uses, 138. 144
one name would not be substituted for another, 144
a fine of one term would not be altered by making it a fine of another term, 146.
Fine at common law, or without proclamations,
force of a fine at common law, 91. 148, &c.
transferred the possession, and right of possession, 148
but did not toll right of entry of parties entitled; Exceptions, ib. 149. 156. 188

FINE—*continued.*
Fine at common law, or without proclamations,
did not bar the issue in tail, except by way of discontinuance when levied by tenant in tail in possession, V. 153
time allowed at common law, to make claim against, 150
stat. 18 Ed. 1. st. 4. *de modo levandi fines*, ib.
effect of a fine under this statute, ib.
has no saving in favour of married women, 151
directs a claim within a year and a day, ib. 152
stat. 27 Ed. 1. *De Finibus Levatis*, 152
stat. of non-claim, 34 Ed. 3. c. 16. 153
directs that non-claim for year and day shall not bar claims to reverse fines, ib.
inconveniences which it was intended to remedy, 152, 153
is in force as to fines levied without proclamations, 153
barred an estate tail in a copyhold, 170
barred married women, 176, 177
Fine levied with proclamations, according to 1 R. 3. c. 7., 4 H. 7. c. 24. 92. 155. 32 H. 8. c. 36. 156, had what effect in barring estates tail, ib. 157
barred all privies and strangers, 156, 157
of land entailed to cognizor, barred his lineal heirs, or issue in tail, and his collateral heirs, claiming *per formam doni*, 156, 157. 161. I. 92, by making his estate a base fee, V. 161. 167, 168
unless such heirs were privies in blood only, and not in blood and estate, 158
who are privies to a fine under stat. 4 H. 7. 157
though cognizor was not in actual possession, had never entered, and had only a right, 158
so, if cognizor was tenant in tail in remainder, 159
so, if tenant in tail made a feoffment, and afterwards levied a fine, ib.
so, if tenant in tail, after disseisin of estate tail, levied a fine, 160
or, if cognizor had only possibility of estate tail, and the estate never descended to him, ib. 161
but the collateral heirs were not barred in such case, 161—163
did not bar collateral heirs, who could make a title without the cognizor or any of his issue, for such heirs were not privies, 162
bars entail of a rent charge, 164
and entail of advowson, ib.
and entail of an equitable or trust estate, as if the cognizor had the legal estate, I. 407. V. 165
other effects of, on estates tail, 165

FINE—*continued.*
Fine levied with proclamations, &c.
sur concessit barred an entail as long as it continued in force, V. 166
though defeated by a person having a particular estate, still barred the issue in tail, ib.
the king tenant in tail might bar entail by fine *sur done grant et render*, ib. 115, 116
cestui que trust in tail might, by fine duly levied, bar his issue in tail, 181
barred the issue in tail before all the proclamations were passed, 166
did not bar remainders or reversions if the persons entitled, claimed in due time, and why, 167, 168
but tenant in tail, having the immediate reversion in fee, let in the reversion by such fine, 168
did not bar estate tail given by the crown as a reward for services, I. 92. V. 169. 231
but barred the estate tail, but not the reversion, when the latter was in the crown, 168, 169
warranty in, had what effect on estates tail, 169
right of tenant in tail, under these statutes, to levy a fine, could not be restrained by condition, ib. II. 6
fines in inferior courts did not bar the issue in tail, V. 170., but barred married women, 177
Effects of fines, in barring particular estates and interests:
the parties were immediately barred, and had no time allowed them, except in case of infancy, 127. 171
lay corporations might be barred by fine, but not ecclesiastical corporations, ib. 172
a married woman, joining with her husband, 172
as to her own estate, 173, 174. 181, 182
effect of covenant that she should levy a fine, 177, 178
as to her right of dower, I. 177. V. 174
as to her jointure, I. 208. V. 174
as to any other interest she may have, 174, 175
as to a trust estate for her sole and separate use, 181
in whatever court, and whether with or without proclamations, 176, 177
devisees, if they had not entered, 179
executors to whom lands were given for payment of debts, ib.
Trust estates,
where the fine was levied by a stranger, 180
or by a *cestui que* trust, ib. 181
how not barred by fine levied by trustee, 180. 254
of married woman, given to her sole and separate use, 181
Terms for years,
might be barred by fine and non-claim, if the lessees were or ever might have been in possession of the lands, 182

FINE—*continued.*
Effects of fines, in barring particular estates and interests:
terms for years vested in trustees, on any trust (except to attend the inheritance), might be barred by fine and non-claim, V. 183
Copyholds:
are within the statute for abolishing fines and recoveries, 184. n.
a person having the freehold might bar a copyhold by fine, 183
where there was a custom of entailing them, a fine levied in the manor court would not bar such entail, unless allowed by custom to have that effect, 184
estates held by statute merchant, statute staple, or elegit, ib. 228
a power appendant, or in gross, might be barred by fine, IV. 234. 236. V. 184., might be destroyed in part by levying a fine of part of the lands, 185
a fine might operate as an execution of a power appendant, or in gross, ib.
but not a power simply collateral to the land, and not joined with an interest, 186, 187. IV. 238, 239
a right of entry for condition broken, V. 188
a fine and non-claim barred a writ of error, 189
a fine by mortgagor in possession did not bar a mortgagee, II. 83. V. 255
a fine by mortgagee in possession did not bar mortgagor, 256
a fine levied by a *cestui que* trust for life was not a forfeiture, I. 109. 407. V. 221
a fine levied by a particular tenant generally destroyed contingent remainders, 215. II. 270. 333
where a fine would alter an *ex parte* descent, III. 341. 384. V. 221
first saving in the statute for claimants, (4 Hen. 7. c. 24. s. 3.) within five years, 190
second saving in same statute, (s. 4.) for remainder-men and reversioners claiming within five years after their right accrued, 191
extended to those only to whom the right of avoiding the fine first accrued, 196
where a husband levied a fine of his wife's estate, she was allowed five years after death of husband to claim, 199, 200
where he levied a fine of his own estate, the wife was allowed five years to claim from his death, her right then accruing, 200
what allowances of time were made to infants parties to fines, 127. 171
exception or proviso in stat. 4 Hen. 7. in favour of infants, 204. includes infants *in ventre matris*, 205
strangers having different rights, 201
claimants under persons dying under disabilities, 209

FINE—*continued.*
third saving in stat. 4 Hen. 7., V. 203
might operate as a release or grant, 212
and as a confirmation, ib.
operated as to the parties and their heirs, as an estoppel on record, 213. VI. 425., and as such barred contingent remainders, II. 333. and executory devises, VI. 425
by tenant in tail with immediate reversion in fee, accelerated the reversion with the incumbrances thereon, V. 168. 214
but this effect was different from that of a recovery, 398
by tenant for life divested remainders and reversion, 215, 216
might operate as a revocation of a devise, 219
created a forfeiture in some cases, ib.
sur done grant et render gave a new estate, without declaration of uses, 221
altered descent, when, ib. III. 341. 384
What persons, estates, and interests were not barred by fine and non-claim:
the king, unless he was a party, V. 223
ecclesiastical corporations, not even by their predecessors' non-claim, ib. 172
yet a bishop, dean, or vicar, might be barred by his own non-claim, 200. 224
estates not devested, 224
or where the possession was not adverse, 226, 227
a fine by one joint tenant was not an ouster of the other, but only a severance of the joint tenancy, though he was in of the old use again, 227
perception of rents by one coparcener or tenant in common was not an ouster of the other, ib.
a future interest in remainder or reversion, if not devested, ib.
estates by statute merchant, staple, and elegit, unless the lands were actually extended, 184. 228
a rent, right of way and common, being interests collateral to the land, 228. 230
estates in dower and jointures, 231
estates held *jure uxoris*, ib.
estates tail of the gift of the crown for services, ib.
reversions in the crown, ib.
springing and shifting uses, 232
dignities, 233. III. 154. mortgages, &c. V. 233
How fines may be reversed for defect in the record:
writ of error, 234. 247
nature of this writ, 234
in what courts, and at what times, it must be brought, ib. 235
who may bring it, 235

FINE—*continued.*
How fines may be reversed for defect in the record,
against whom it may be brought, V. 236
what may be assigned for error, ib. 237
the parol might demur for infancy, 238
but *semble* not since stat 1 Will. 4. c. 47. ib. n.
manner of reversal, 238
must be brought within twenty years, 239
how it may be barred, ib. 240
how a person may bar himself from bringing it, 239, 240
an infant might bar himself of his writ of error by levying a second fine, 240
barred by fine and non-claim, 189., when not, 240
and by a common recovery, 240. 394
can only be brought to reverse a judgment in a court of record, 242
writ of false judgment lies to amend errors in a court not of record, ib.
is returnable in the court of common pleas, ib.
writ of deceit, 240
the lord of a manor in ancient demesne was not barred of this writ by the death of any of the parties, 241
effect of a reversal by writ of deceit between the parties, ib.
sometimes by motion, 242
Modes of avoiding the effects of a fine, ib.
real action, ib.
at what time it must have been brought, and how pursued, ib. 243
an ejectment would not avoid a fine, 243
actual entry, ib.
when entry was effectual, and when not, ib.
a fine levied without proclamation might be avoided without entry, ib.
the entry must have been made with an intention of claiming the freehold against the fine, 244
where entry was prevented by force there must have been claim, III. 451. IV. 47. V. 244
the entry must have been actual, and not fictitious, as in ejectments, 244
by whom entry must have been made, 245
tenants in remainder and the lord of a copyholder might enter in the name of the tenant or copyholder, 246
a guardian by nurture or in socage might enter in the name of his ward, ib.
entry of one joint tenant, coparcener, or tenant in common, was sufficient for the other, ib.
the entry must have been followed by an action, ib.

FINE—*continued.*
Modes of avoiding the effects of a fine,
by plea that the parties had no estate, &c. followed by ejectment, V. 247
who may plead *quod partes finis nihil habuerunt*, ib.
neither parties nor privies, 158. 247., nor in case of a trust estate, 250
by averment of fraud or usury, 250—252
by a court of equity, 252
where there has been fraud, ib.
where an infant, idiot, or lunatic levied a fine, 253
where a trustee, or other person, with notice of an incumbrance or trust, levied a fine, 254, 255
where a mortgagor or mortgagee levied a fine, 255
where equity directed a fine to be levied it would restrain its operation, 256
to accomplish uses of marriage articles, ib.
equity will not allow the plea of a fine and long possession under it, in bar of a bill for discovering the deeds declaring the uses of such fine, ib.
where a bill in equity had the effect of avoiding a fine, 243. 260
when it operated as a discontinuance of an estate tail, 155. 216
effect of a fine levied by a tenant for life in devesting remainders and reversions, 215, 216
deeds to declare the uses of fines, IV. 120. 126
deeds to lead the uses of fines, 120. &c.
a fine and declaration of uses considered as one conveyance, 141. V. 186
to make a tenant to the *præcipe*. See *Recovery*, 290
levied by a vouchee to a demandant in a recovery was good, 312
operation of a fine different from that of a recovery, 383
effect of a fine in letting in incumbrances different from that of a recovery, 398
revoked a devise, VI. 96
did not bar an executory devise, 369
assurance by persons under covenants to levy fines, V. 177
FIRE ACCIDENTAL. See *Accidental Fire.*
FISH CAUGHT AT SEA, the gains by them are titheable, III. 45.
FISHERY. See *Franchises.*
FLAX titheable, III. 43
FOLDAGE,
prescription for frank foldage, 423
FOOT OF A FINE. See *Fine.*
FORECLOSURE. See *Mortgage*, II. 197

FOREST,
forest lands in the hands of the crown not titheable, III. 45
franchise of a forest, 244
beasts of forest, 246
may well be in the hands of a subject, ib.

FORFEITURE,
for treason and felony. See *Atainder*. *Escheat*.
for the acts by which different estates become forfeited. See those titles.

FORMEDON, writs of, restrained by the statutes of limitation, 432
abolished by stat. 3 & 4 Will. 4. c. 27. ib.

FOSSILS, belong to the owner of the soil, I. 45

FRANCHISES,
are incorporeal hereditaments, III. 244
nature of, in general, 244
a forest,
origin of this franchise, 244, 245
purlieus of, 245
forests laws in, ib.
what animals are beasts of, 246
comprehends within it a chase, park, and freewarren, and all beasts of venery, ib.
part of the land and wood in, may belong to private persons, ib.
when becomes a chase, ib. 247.
a chase,
origin of, 246
distinguished from forest, ib.
what animals are beasts of, ib.
belonging to a subject is created, by what grant of the crown, ib.
king cannot make a chase in his subjects' ground, 247
a man may have in his own woods, how, 251
a park,
what constitutes a park, 247
disparked, how, 248
subject to common, and not to forest law, ib.
within a forest, ib.
may be had in a man's own lands, and does not merge, 251
a free warren,
described, 248
must be held by grant or prescription, ib.
what are beasts and fowls of warren, 249
grantee of, may appoint a warrener, ib.
may be had over another's lands by prescription, 250
lands may be aliened reserving the warren, ib.
may be appendant to a manor or in gross, ib.
may be had by prescription in a forest, how, 251

FRANCHISES—*continued.*

a free warren,
may be had in a person's own lands, III. 251
constant exercise of, necessary to support right of, 270
a manor, 251
of what consists, ib.
right of the lord to the soil of wastes, how rebutted, ib.
effect of grant of demesnes in fee simple, for life, or in tail, ib. 252
lands escheated to lord, become parcel of the manor, 252
rights of the lord as to game, ib.
possession of a manor gives a right to hunt over it, ib.
gamekeepers, 253, 254
semb. lord cannot enter the freehold of another, though situate within the manor, for the purpose of hunting, 257
Qu. if he has not such right in a copyhold, ib.
the lord may erect a dovecot *de novo*, ib.
rights of lord of reputed manor as to game, ib.
a court leet, 258
is not necessarily incident to a manor, but is derived from the sheriff's tourn, ib.
view of frankpledge is annexed to, ib.
waif's and fugitive's goods, ib.
wreck, 259
estrays,
right of lord of manor to, described, 260
retaking, ib.
persons under disabilities are equally bound if they do not claim them within a year and a day, ib.
beasts belonging to the king are not forfeited as, ib.
what use may be made of, ib.
treasure trove, ib.
how its concealment is punished, 261
royal fish, ib.
goods of felons, ib.
deodands, ib.
a free fishery, or exclusive right of fishing in a public river, ib.
ought to be as old as the time of Hen. 2., 262
distinguished from a several fishery, ib.
is held by grant, or prescription, ib.
in what cases belongs to the king, ib.
a recovery cannot be suffered of, V. 340
a hundred, III. 264
of holding fairs or markets, ib.
a court of *pie poudre*, 265
clerk of market, ib.
right of taking tolls, ib.

FRANCHISES—*continued.*
how franchises may be claimed, III. 266
some by grant or record, ib. 267
some by immemorial usage, 267
what franchises may be held by prescription, ib. 422, 423
how lost,
by reunion with the crown, 267
by surrender to the crown, ib.
by mis-user, 268
by non-user, ib.
repealed by *scire facias*, ib.
previously to stat. 3 & 4 W. 4. c. 106. did not descend to the half blood, 351
pass by bargain and sale, IV. 100
by covenant to stand seised, 107. See I. 341
by lease and release, 115. See I. 341
by king's grant, V. 46
when may be devised, VI. 26

FRANKALMOIGN, I. 44
tenure in, not affected by stat. 12 Car. 2. c. 24., 28, 29. 44

FRANK-MARRIAGE, estates in, 71, 72. See *Estates Tail.*

FRANK-PLEDGE, view of, III. 258
may be demanded in a writ of partition between joint tenants, II. 386

FRAUD,
statute of frauds. See *Statutes.*
construction of it in relation to agreements, IV. See *Agreement.*
a trust results where there is fraud, I. 397
priority of incumbrances may be lost by fraud, II. 169
also an equity of redemption, 93
and a right of foreclosure, 122
equity will avoid a deed obtained by fraud, IV. 410
a fine may be avoided by averment of fraud, V. 250
practised on a testator, renders a devise void, VI. 128

FRAUDULENT DEVISES. See *Devise.*

FRAUDULENT CONVEYANCES,
what conveyances are fraudulent within the statutes 13 Eliz. c. 5. and 27 Eliz. c. 4. IV. 423
a fraudulent conveyance not a revocation of a devise, VI. 104

FREDUM, what, I. 17

FREE BENCH, I. 154. 284, 285
of what it usually consists, 285
right to, attaches before husband's admittance, ib.
the trust of a copyhold not subject to free bench, ib. 410

FREE BENCH—*continued.*
in what cases a widow may enter, I. 286
privileges annexed to free bench, 285
forfeited by incontinency or second marriage, ib.
recovered by plaint in manor court, and not by ejectment, 286
emblements incident to, 285
may be barred,
by jointure, 286
by husband's alienation, for he must die seised, ib. 287
by surrender for that purpose, or to the use of his will, 288
barred in equity, by an agreement to convey, ib.
by forfeiture of the husband, 289
by grant of freehold to the husband, ib.
by devise, ib.
seisin during coverture is sometimes sufficient to entitle the wife, ib.
sometimes subject to a fine, 293
man's, 144

FREE TENURE, 48

FREE CHASE, FISHERY, AND WARREN. See *Franchises.*

FREEHOLD, ESTATE OF. See *Estate in Fee Simple, Fee or Feodum, Tenement.*
what, I. 47, 48
is either estate of inheritance or not of inheritance, 54
Requisites to, as
immobility; viz. land, or interest issuing from, or annexed to land, 47
indeterminate duration, as for his own or another's life, or till marriage, or goes to R. ib.
opposed to copyhold and villenage, 48, 49. 255
in what sense a copyholder may be a freeholder, 48, 49
may be sometimes moveable, 49
the word applies to rents, commons, offices, and the like, as well as to land, IV. 268
must be held by free tenure, I. 49
of upper chamber in a house, ib.
seisin of, ib. See *Seisin.*
abatement of, 51. See *Abatement.*
how it may be created to commence *in futuro*, 53
Entry on, by heir,
previously to stat. 3 and 4 Will. 4. c. 106. generally necessary to create a seisin in deed, 50. III. 344
on any part gives seisin of all the lands in the same county, I. 50
must be in each county when the lands lie in different counties, ib. III. 344

FREEHOLD, ESTATE OF—*continued.*
Entry on, by heir,
only necessary when the lands were in the occupation of the ancestor, I. 50
not necessary therefore, when in possession of
lessee for years, ib. III. 344, 345
guardian in socage, I. 50. III. 345
Abeyance of. See *Abeyance.*
why not favoured by the law, I. 52
instance of, in glebe on death of incumbent, 53
cannot, by conveyance at common law, be created to commence *in futuro*, except by way of remainder, why, ib. 343
but may be, by conveyances under the statute of uses, and by devise, ib. 55. II. 263. VI. 377
who may hold, and be freeholders,
bodies corporate may hold estates transmitted to them by their predecessors, I. 53
denizens and naturalized persons, ib.
not aliens, or persons attainted of treason or felony, or having incurred *præmunire*, ib.
assize lies for estate by statute merchant, staple, and elegit, as freeholds, though they are but chattels, II. 54, 55
special occupancy of, by executors and heirs, III. 290
a right to a freehold not barred by a collateral satisfaction, I. 187, 188
cannot be derived from an estate for years, 229
transferred by devise without entry, VI. 7
a tenant to the *præcipe* must have had a freehold in possession V. 274
estates less than freehold, I. 222. 227
freeholds, customary. See *Customary Freeholds.*

FRUIT TREES titheable, III. 42

G.

GAME, right of taking, III. 249. 252. See *Franchises.*
origin of covenants in leases for entry to kill game, 256
probable origin of statutes for qualification to kill, ib.

GARDEN HERBS titheable, 44

GAVELKIND LANDS,
tenure in gavelkind, I. 38, 39
subject to customary curtesy, 144. II. 394
and customary dower, I. 154. 158. II. 394
entry on, for breach of condition, 34
in what manner they descend, III. 387
do not escheat for felony, 401
coparcenary in, II. 391

GAVELKIND LANDS—*continued.*
curtesy in, I. 144. 149
fine of lands held in, V. 81
devise of rent charge on gavelkind land, VI. 26
stat. 3 and 4 Will. 4. c. 106. extends to, III. 387. n.

GIFT,
distinguished from a feoffment, IV. 51
effect of the word *dedi*, ib. 83
if by feoffment requires livery of seisin, 51
properly applied to create estates tail, ib.

GLEBE LANDS,
in abeyance on death of parson, I. 53
cannot be extended by elegit, II. 54
applying timber cut on, I. 132

GLOUCESTER, statute of, 6 Edw. 1. See *Statutes.*

GOLD MINES belong to the king, 46

GRAIN titheable, III. 40

GRAND SERJEANTY, I. 27. III. 93

GRANT,
distinguished from feoffment, IV. 51
what things lie in, ib. 52
good without attornment or livery, 51
technical words of, are not necessary, ib.
what may be created or conveyed by, 52
operation of, ib.
does not create a discontinuance or forfeiture, and why, 53
is the proper mode of conveying incorporeal hereditaments, 51
how pleaded, 409
a release allowed to operate as a grant, in order to effectuate the intention of the parties, 250
incorporeal hereditaments pass without the word *grant*, when, 283
the word *grant*, in a conveyance of the inheritance, does not imply a warranty, 357
what lay in grant could not be discontinued, V. 219
who may be a grantee, IV. 21
when a deed may enure different ways, the grantee has his election how to take, 251
prescription is only allowed to supply the loss of a, III. 423

GREEN CROPS, cut for beasts of husbandry, not titheable, 41

GUARDIAN,
may make and surrender leases by direction of the Court of Chancery, IV. 68
father's power of appointing, by deed or will,
restricted by 4 and 5 P. and M. for female children, I. 41
extended by 12 Car. 2. c. 24, for children of both sexes, ib.

GUARDIAN—*continued.*
continuing in possession after full age of heir, is an abator, I. 249
GUARDIAN IN SOCAGE,
a widow continuing in possession considered such, 50. III. 345
his possession is the possession of his ward, I. 50
may grant copyholds in reversion, 270
may make leases, for how long, IV. 68
may enter in the name of his ward to avoid a fine, V. 246

H.

HABENDUM OF A DEED, IV. 26.—how construed, 272
HALF BLOOD. See *Descent* passim.
previously to stat. 3 & 4 Will. 4. c. 106. excluded from succession, III. 342. 350. 388. 391
except in the case of an estate tail, 386, and of dignities, 188
and of a remainder or reversion, 380, 381
could not inherit a use, I. 344
HANAPER OFFICE,
fines due there on original writs, in real actions, V. 72
HAY titheable, III. 40
HAYBOTE, I. 105
HEMP titheable, III. 43
HEIR—for the effects and construction of this word, I. 144. s. 23. See *Deed*, *Devise*, and *Rule in Shelley's Case*.
Heir at law,
need not enter on a lessee for years, I. 50
cannot enter on a lessee for life, ib.
with fee simple assets by descent, bound to pay debts of record, or under seal, 57
and simple contract debts, 58, 59
forfeits a copyhold, by not appearing to be admitted, 292. 312
if there is a custom to that effect, 313—315
may take advantage of a condition broken, II. 34
formerly an action of debt lay against him, on the bond of his ancestor, 39
with assets is now liable to all his ancestor's debts, I. 58, 59
an heir at law, or by custom, may redeem a mortgage, II. 104
who buys in an incumbrance is entitled only to what he paid for it, 187, 188
entitled to the next presentation to a living, when, III. 14, 15
when entitled to a rent, 283 App. VII. 2
who may be an heir, III. 319. See *Descent*.
heir apparent and presumptive, 328
when he takes by purchase, I. 374. n. III. 336. n.

HEIR—*continued.*
Heir at law,
how far the heir of an obligor is affected by his ancestor's bond, IV. 93
execution may be sued against the heir of a recoveree, V. 333
a devise to an heir at law did not previously to the stat. 3 & 4 Will. 4. c. 106. take away his title by descent, VI. 124. 127
cannot be disinherited by a will, unless there are express words, or a necessary implication, 136
in the case of an executory devise, the freehold and intermediate profits descend to him, 423,—unless devised away, 424
if necessary party to conveyance, where power of sale in executor, VI. 361. n. (*b*)
HEIR LOOMS, I. 46. III. 318. IV. 268. 439
destroying them is waste, I. 119
HERBAGE,
may be granted by copy, I. 264
rent may be reserved on lease of, III. 275
grant of, by deed, IV. 267, 268
HEREDITAMENTS, I. 45, 46
meaning of the word in the statute of uses, 353
Corporeal,
may be conveyed to uses, ib.
cannot be prescribed for by immemorial usage, III. 422
may be held by negative prescription, 430
lie in livery, IV. 50
incorporeal, I. 46
principal kinds, III. 2
some are subject to curtesy, I. 148
subject to dower, 161
can alone be prescribed for by immemorial usage, III. 421. 430
lie in grant, IV. 51
may be conveyed by bargain and sale, 100
by covenant to stand seised, 107, 108. I. 341
and by lease and release, IV. 115. See I. 341
there cannot be an actual disseisin of an incorporeal hereditament, III. 295
some not divisible by coparceners, II. 397
mode of enjoying them in such case, ib.
what passes in a deed by the word *hereditament*, IV. 268
what in a devise, VI. 272
HERIOT,
nature of, and when due, I. 304, 305
not due between the lord and a person not a copyholder, 305
due, though copyholder be ousted or disseised, 304
only due on death of legal tenant, and not of the person equitably entitled, 305

HERIOT—*continued.*
bankruptcy of copyholder does not excuse him from, I. 305
not due on death of married woman, ib.
heriot custom, 306
multiplied when the copyhold is conveyed or devised in severalty, or to tenants in common, 305
composition in lieu of heriot, ib.
may be taken off or on the manor, even in the road, 306
sale in fraud of right to, ib.
equity will not interpose in favour of the lord in the case of, ib.
HOMAGE, nature of, I. 11. 23, 24
who are, 261
inseparable from fealty, but not *e converso*, 24
HONOR, I. 21, 22. V. 134. III. 126, 127
HOPS,
titheable, III. 39. 43
emblements of, I. 106
HOTHOUSE PLANTS not titheable, III. 44
HOUSEBOTE, I. 105
HOUSE,
freehold in upper chamber of, I. 49., belongs to tenant in fee simple, 55
HOUSES,
not titheable by common right, III. 45
titheable in London by act of parliament, ib.
belong to the tenant in fee simple, I. 55
pulling them down is waste, 117
what passes in a devise by the word *house*, VI. 175
HUNDRED, III. 264
HUSBAND,
not obliged to take back a wife, after elopement and adultery, I. 176. n.
of a donee in special tail, entitled to be tenant by the curtesy, 146
cannot defeat his wife's jointure, 208
may, by alienation, bar his wife's right to free bench, 286, 287
purchase by a husband in the name of his wife, how taken, 402
husband's alienation bars a wife's dower if married before the 1st of January, 1834, 160, 161. See *Dower*.
may, with the consent of his wife, declare the uses of a fine or recovery of her estate, IV. 128.—and without her consent if she does not dissent, ib.
husband and wife—cannot be joint tenants, II. 373; exception, 375
effect of alienation by husband of, 366
cannot take by moieties, V. 370
interest of, in the chattels real of his wife, I. 228, 229
of trustee is deemed trustee, within 1 Will. 4. c. 60., IV. 20

HUSBAND—*continued.*
seised *jure uxoris,*
cannot destroy a custom of granting copyholds, I. 264
may make leases, IV. 62. 70
could not alone levy a fine of wife's lands, V. 231. 413
might make a good tenant to the *præcipe* without his wife's joining, 292
could not alone suffer a recovery of wife's lands, 413

HUSTINGS, Court of, in London—Recoveries might be suffered in it, 339

I.

IDIOTS AND LUNATICS,
may make grants of copyholds, I. 271
may take grants of copyholds, 272
cannot forfeit copyholds, 317
a lunatic cannot present to a living, III. 22
committee of, may make partition, II. 414
being trustees, their committees may convey, IV. 17, 18
What conveyances they may make, 17, 18
a feoffment, with livery of seisin, 49
cannot make leases, 69
might declare the uses of a fine or recovery, 130. but not of a lease and release, 131
should not have been allowed to levy fines, V. 129
fines levied by them cannot be reversed, ib.
fines levied by them relieved against in equity, 252, 253
should not have been allowed to suffer recoveries, 351
when recoveries suffered by them might be reversed, ib.
cannot make wills, VI. 14
the *onus probandi* of the idiocy or lunacy of a testator lies on the other side, ib.
may be grantees in a deed, IV. 21
may avoid their purchases, if they recover, ib.
the party who alleges the lunacy of a party to a deed, must prove it, 412
equity will order their estates to be mortgaged or sold for payment of their debts, 18

JEWESSES not entitled to dower, I. 159

ILLEGITIMACY, what evidence admitted to prove it, III. 319, 320

ILLEGITIMATE CHILDREN. See *Bastards.*

ILLUSORY APPOINTMENTS, IV. 207

IMMEMORIAL USAGE, prescription by, III. 422

IMPLICATION,
uses by, I. 374, &c.
trusts by, 391, &c.
implied conditions, II. 2
implied warranty, IV. 356
implied covenants, 369
devises by, VI. 163.—the implication must be a necessary, not a possible one, ib.
an estate tail may be devised by implication, 240, 241
cross remainders sometimes implied in a devise, 343—352

INCLOSURE,
of commons, III. 80
of waste of manor, I. 263
partition by joint tenants, &c. under acts for, II. 413, 414
act for, V. 5

INCONTINENCY,
a forfeiture of free bench, I. 285
formerly a forfeiture of dower, 152

INCORPOREAL HEREDITAMENTS. See *Hereditaments.*

INCORPOREAL PROPERTY, I. 46, 47. III. 2

INCUMBRANCES. See *Debts, Mortgage.*
covenant to grant lands free from, IV. 380
jointure granted clear of taxes, &c. 149
fine by tenant in tail, having reversion in fee in himself, let in, V. 168. 214

INDEMNITY OF TRUSTEES, clause for, I. 455

INDENTURE, IV. 8

INDUCTION, III. 12. See *Advowson.*

INFANCY,
excuses the non-appearance of the surrenderee of a copyhold, I. 303, 304. 312
excuses neglect in redeeming a mortgage, II. 114
in a writ of error to reverse a fine or recovery, the parol was allowed to demur on account of infancy, V. 238. 426, 427

INFANTS,
bound by a jointure settled before marriage, I. 195
may grant copyholds, 271
may be copyholders, 272
may be admitted to copyholds through their guardians, 304
cannot forfeit copyholds, 317
may be seised to uses, 340. 349
may be bound by a condition, II. 26
where, in the case of a mortgage, interest upon interest will be allowed against an infant, 153

INFANTS—*continued.*
how far bound by a decree of foreclosure, II. 198, 199
may present to livings, III. 15
marriage contracts by male infants, IV. 16
marriage contracts by female infants, 15
an infant joint tenant cannot sever a jointure, II. 381. See *Joint Tenancy.*
excepted from the statutes of limitation, III. 451
when they may convey by deed, IV. 14—17. 142
infant trustees may convey, 17
may be grantees in a deed, 14
may agree or disagree to their purchases when of full age, ib.
may re-convey lands mortgaged to a father, on the mortgage money being paid off, ib.
not barred by a warranty, 355, 356
may convey by feoffment with livery, 49
a feoffment with livery, by an infant, bars an escheat, III. 400. IV. 49
cannot make leases, unless beneficial to themselves, 69
exchanges by infants are only voidable, 76
may declare the uses of fines or recoveries, 128. 141
cannot declare the uses of a lease and release, 131
may execute powers of appointment or revocation, 139, 140
ought not to have been permitted to levy fines, V. 127.—such fines, if levied, could only be reversed during their minority, ib.
an infant trustee might levy a fine, 128
may convey, under the direction of the courts of counties palatine, and of the great sessions in Wales, ib.
what allowances were made in favour of infants, parties to fines, 171
exceptions in favour of infants in the statute 4 Hen. 7. of fines, 204
an infant in *ventre matris* is within these exceptions, 205
equity relieved where an infant levied a fine, 253, 254
a person entering upon the estate of an infant considered in equity a trustee for him, 255
ought not to have been permitted to suffer recoveries, V. 348.—such recoveries, if suffered, could in general be only avoided during their minority, ib.
formerly suffered recoveries by privy seal, 349
an infant trustee might join in a recovery under the direction of the court of chancery, 350
where an infant suffered a recovery, he must have made a tenant to the præcipe by feoffment, and given livery in person, ib. IV. 49
may be devisees, VI. 14
cannot devise lands unless by special custom, 6. 13
an infant may devise the guardianship of his children, 13

INFANTS—*continued.*
Infant in *ventre matris,*
a copyhold may be surrendered to his use, V. 453
may be a devisee, VI. 14, 15
a devise to one is good as an executory devise, 377. 423
for what purposes considered in being by the law, 438. 444. 451
is a proper object of a power of appointing portions to younger children, IV. 137
is a life in being for the purpose of tying up property from alienation, VI. 450
an injunction to stay waste granted in favour of an infant in *ventre matris,* II. 309
INGROSSING OF A FINE, V. 82
INHERITANCE. See *Fee, or Feodum.*
freehold fee is, I. 64
in estates on their being first held by feudal tenure, 20
estate of, absolute, is fee simple, 54
an estate in fee simple—an estate of, limited as fee tail, ib. See *Estate Tail.*
timber belongs to the person entitled to the inheritance, 122
offices of inheritance, III. 98
Descent of inheritances. See *Descent.*
INJUNCTION to stay waste. See *Waste.*
to ask consent to marry, is binding, II. 22
INNS OF COURT AND CHANCERY,
leases of chambers in them are excepted from the register acts, IV. 447
INQUISITION,
on a writ of elegit, II. 48
on a writ of partition, 385
INROLMENT, IV. 462
a recognizance not enrolled is considered as a bond, 95
of a bargain and sale. See *Bargain and Sale.*
of the proceedings in recoveries, V. 335, 336
INSOLVENT,
must convey all his real estates to assignees, I. 293, 294
assignee of, need not be admitted to copyholds, 294
INSTITUTION OF A CLERK, III. 12.
INTERESSE TERMINI,
is the interest of a lessee for years before it is reduced into possession by actual entry, I. 225
may be assigned over before entry, why, 226. II. 55
cannot be the foundation of a release by enlargement, IV. 80
cannot be surrendered, 86, 87
may be assigned, 89
could not be barred by fine, V. 228
will not merge nor prevent merger, I. 237. VI. 470
may be released, 471

INTEREST OF MONEY,
a tenant in tail sometimes obliged to pay it, on incumbrances, I. 76. II. 154
remainder-man cannot compel him to pay on a mortgage, 154
a tenant for life bound to pay interest of incumbrances affecting the inheritance, ib. I. 106
also a tenant by the curtesy, 150
sometimes allowed to a jointress, 206
whether allowed in elegit beyond the penalty of a judgment, II. 61, 62
when in the case of a mortgage, interest upon interest is allowed, 152, 153
in Ireland and the plantations, 150, 151. IV. 410
time for recovery of, limited to six years after it becomes due, II. 151. n. Exception, ib.

INTERLINEATION, when it renders a deed void, IV. 407

INTRUDER,
may make a valid assignment of dower, I. 169
cannot grant a copyhold, 271

INVESTITURE,
proper, and possession, were synonymous, I. 10
distinguished from possession, was improper, ib.
with subsequent delivery of possession, how divided, ib.
symbolical transfer of lands, by delivery of a robe, sword, &c. ib.
on the grant of a feud, 9
on the descent of a feud, 15, 16
livery of seisin amounts to, 47. IV. 46

JOINT COVENANTS, 370

JOINT LIMITATIONS, 308

JOINT TENANCY,
estate in, arises by grant of lands to two or more persons to hold to them and their heirs, or for term of their lives, or of another's life, without other words, II. 364
can only arise by purchase or grant, *i. e.* the act of the parties, and never by mere act of law, ib.
may be had in a remainder, ib.
when lands are conveyed to two, and the heirs of one, they are joint tenants for life, ib.
whether the remainder-man in such case can grant away his fee simple, ib.
two persons who cannot marry may hold in for their lives, and yet have several inheritances, 365. VI. 330
requires,
unity of interest, II. 366
unity of title, 367

JOINT TENANCY—*continued.*
requires,
unity of time, II. 367. exception, ib. 368
unity of possession *per mie et per tout*, 369
what may be held in, 366, 367. 392
how trust monies lent by trustees upon mortgage, may, 371
estate in, goes to survivor, 369., though the deceased died before entry, ib.
and why, 374
so do chattels real held in joint tenancy, 369
so does trust of term in joint tenancy, 370
not favoured in equity, ib. 380. IV. 289
may be set aside on ground of different intent of parties, II. 370. 372
distinguished from coparcenary, II. 391—4
by what words created in a deed, 364. IV. 288
estate of a joint tenant cannot be devised, II. 382. VI. 29
by what words created in a devise, 329—336. 342
how far subject to incumbrances, II. 54. 375, 376
not subject to curtesy, I. 149. II. 375
nor to dower, I. 163. 401. II. 375
when liable to merger, 379
Severance and destruction of joint tenancy by
destroying the unity of interest, 378., or of title, 379., or of possession, ib.
alienation to a stranger, 380., except by a devise, 382
lease for life or years by one of two joint tenants in fee, 380
lease by one for certain years, part of a term granted in joint tenancy, ib.
mortgage for years, by one tenant, ib.
agreement to alien, though not performed, 382
alienation by one joint tenant to another, ib.
in a copyhold, by surrender and presentment, V. 457, 458
but the alienation must be good in law; thus,
conveyance by joint tenant to his wife will not work a severance, II. 380
nor by an infant, though in consideration of marriage, 381
partition of:
voluntary partition, 384. IV. 77
must at all times have been made by deed, except where the estate was only for years, II. 384
agreement to make partition, 389, 390
legal estate is still held in joint tenancy, 389
agreement by husbands of two joint tenants to make, will not bind their wives' inheritance, ib. 390
compulsive partition:
by writ of partition at law or in equity, 384. 388
of the writ of partition, inquisition, and judgments, 385

JOINT TENANCY—*continued.*
Severance and destruction of joint tenancy, &c.
compulsive partition:
a writ of partition does not abate by death of defendant, II. 385. 388
partition in equity, why preferable, ib. 389
by devolving to one person by survivorship, 390
under inclosure acts, 413, 414
deed of, IV. 78, 79
fine, V. 119
Joint tenants, their interest and power,
are each seised of an undivided moiety of the whole *per mie et per tout*, II. 369., this draws after it the incident of survivorship, 374
the seisin and possession of one previously to 3 & 4 Will. 4. c. 27. was the seisin and possession of the other, so as to avoid the stat. limitations, 377. III. 437. V. 227
who may be,
all natural persons, II. 372
husband and wife, where they were joint tenants before marriage, 375
bishop and secular person may be joint tenants of a term for years, 373
alien and natural born subject, liable to what right of the king, ib.
what persons may be joint tenants, and yet have several inheritances, 365. VI. 342
who may not be,
husband and wife, II. 373
except they were joint tenants before marriage, 375
the king or a corporation cannot be joint tenants with a natural person, exception, 372, 373
one joint tenant cannot charge the estate so as to prejudice the survivor, II. 54. 375
but if he who makes the charge survives, the incumbrance is good for ever, 376
execution against one on a recognizance or statute, when binds the survivor, ib.
one of two joint tenants in fee may make a lease for years, to bind survivor, ib.
aliter where they are joint tenants for life, ib.
may make leases jointly or severally, IV. 68
disposition by one, to bind his companion, must be immediate, and not by devise, II. 382
in what acts they must, and need not join, 376, 377
in case of an advowson, must all join in presenting, III. 17
act done by one for benefit of himself and his companion is deemed the act of both, II. 377

JOINT TENANCY—*continued.*
Joint tenants, their interest and power,
livery of seisin to, and entry or re-entry by one, previously to 3 & 4 Will. 4. c. 27. enured to all, II. 369. 377
surrender of lease to one will enure to all, 377
perception of profits by one, did not amount to expulsion of others, 402
are all liable for waste committed by one, 377
one could not be disseised by his companion except by actual ouster, ib.
may have action of waste, or of account against each other, ib.
may compel each other to make partition, 384, 385. See *ante.*
how far bound by agreement to make partition, 389
may release to each other in fee without the word *heirs*, IV. 79. 278, 279
such estate enures by way of *mitter l'estate*, 78
might levy fines, V. 119
might release to each other by fine, 212. II. 382
but one cannot enfeoff the other, and why, IV. 50
a fine levied by one joint tenant of the whole, was not a disseisin or ouster of the other, II. 377., but only a severance of the joint tenancy, V. 227
entry of one, would avoid a fine as to the other, 246
in the case of copyholds, they may release to each other without a surrender, 492
proper conveyance by one to the other is by release, II. 382. IV. 78, 79
JOINTURE. See *Dower, Rents.*
origin of, I. 187, 188, 189., defined, 189
is a provision made by the husband, and not a contract for it, 199
is not a continuation of the husband's estate, 201
if not good at first, no after-occurring circumstance makes it good, 189, 190
who may limit a jointure beside the husband, as *e. g.* his father, trustees, &c. 195
who may take a jointure, ib. 158, 159
equitable jointures, as *e. g.* trust estates, covenants to settle lands or pay annuity as jointure, what are, 190, 191, 192
a rent charge and term for years are now usually limited as, 201. IV. 149. See *Rents.*
intended wife need not be a party to the deed securing her jointure, I. 199
but she or her guardians if she is under age, should have notice of it, 200
not necessary, if jointure unexceptionable, ib.
effect of husband's alienation or eviction of jointure lands, 201, 202
what is considered a, within stat. 11 Hen. 7. c. 20. for avoiding fines and recoveries by jointresses, V. 408. See *Recovery.*

JOINTURE—*continued.*
powers of limiting. See *Powers.*
Circumstances required to make a jointure bar dower,
I. it must take effect immediately after the husband's death, I. 189
or she may take both jointure and dower, 193, 194
but an equitable jointure need not, 194
II. it must be for the life of the wife, or for some equal or greater estate, 190
III. it must be limited to the wife herself, and not to another in trust for her, ib.; this rule not applicable to equitable jointures, ib. 191
IV. it must be in satisfaction of the whole dower, ib.
V. it must be expressed or averred to be so, ib.
VI. and must be made previous to marriage, 192
Jointures which require the widow's acceptance in order to bar dower, ib.
an estate settled after marriage, 193
an estate, which by condition in husband's will, as *e. g.* on second marriage, &c. may determine during the wife's lifetime, ib.
cases where the widow takes the estate and dower, ib.
uncertain or precarious, not binding, 200
By what acts barred or forfeited:
by attainder of wife, 209
how far by fine, 208. V. 176
by common recovery, 408
sometimes by a devise, I. 220, 221
By what acts not barred or forfeited:
by attainder of husband, 209
by elopement or adultery of wife, ib.
by the husband's act, unless his wife joined him in a fine or recovery, 208
by a devise, 210. VI. 7
unless so expressed, and then widow has election, I. 220
but a devise is sometimes taken to be in satisfaction of jointure, leaving the election, ib. 221
Estate tail limited as a jointure, cannot be barred by jointress, 200., and *see* 188, 189
Jointure bars what rights of widow:
dower, 177. 188. 189
the right of an infant jointress to dower, 195., and why, 199
free bench, 286
Jointress:
nature of her estate, 200
cannot alien or bar an estate tail limited to her as jointure, ib.
has privileges of tenant for life, ib.
cannot commit waste, except to supply a deficiency, ib.

JOINTURE—*continued.*
Jointress:
not entitled to crops sown at her husband's death, I. 201
for her estate is not a continuance of her husband's, ib.
shall contribute to pay off incumbrances created prior to the marriage, ib.
not subject to crown debts, ib.
nor to incumbrances created by the husband alone subsequent to the marriage, 208
equity will relieve where power to jointure defectively exercised, 205
but the intention to execute the power must be apparent, ib.
could not levy a fine, nor suffer a recovery of her jointure estate *ex provisione viri*, V. 231. 408. See *Recovery*.
previously to stat. 3 & 4 Will. 4. c. 74., might join with her husband in levying fine, or suffering recovery of jointure lands, and effect thereof, I. 208, 209
right of entry on non-payment, III. 287
considered in equity as a purchaser for valuable consideration, I. 203. 205
though she has no fortune, or elopes, 203. 205. 209
though the settlement be unequal, 204
and is therefore relieved by equity against a prior voluntary conveyance, 205
but not against a *bonâ fide* purchaser without notice, ib.
and against a satisfied outstanding term, ib.
Effect of a covenant with, that the lands are of a certain value, 207
not bound by neglect during coverture, 205
will not be compelled to produce or deliver up title deeds: exception, 206
sometimes allowed interest for arrears, ib.
may redeem a mortgage, II. 105

JOURNALS of the House of Lords, not records, III. 137.

ISLE OF ELY, fines might be levied in the Bishop's Court, V. 104

ISSUE, for the effect of this word in creating particular estates, see *Deed*, *Devise*, and *Rule in Shelley's Case*.

JUDGES of the Courts at Westminster may be removed by an address to the king from both houses of parliament, III. 99

JUDGMENT,
binds lands from first, viz. essoign day, of the term in which acknowledged, II. 43
except against *bonâ fide* purchasers, when, ib.
binds leaseholds and chattels only from delivery of writ to sheriff, 52
must be docketed, within what time, and how, 44

JUDGMENT—*continued.*
docketed after the time mentioned in the act, is ineffectual, II. 44
purchasers not paying full value of the estate, and having notice of a judgment not docketed, raises presumption of agreement by him to pay it off, ib.
purchaser is bound by notice of a judgment not docketed, 45
if in Yorkshire, Hull, or Middlesex, must be registered, ib. 46
binds lands whereof the debtor was seised at the time of entering it, and those afterwards acquired, 48, 49
but only binds trust estates whereof the trustee of the debtor is seised at the time of execution sued, 53. I. 413
alienation without notice will not avoid it, II. 48, 49
but alienation prior to the acknowledgment of a judgment, though only equitable, is good against it, 49
must be revived by *scire facias* after a year and a day, ib.
judgment creditor has no right to the land, 173
does not affect copyholds, 174
judgments not notice to purchasers, 195
under a statute of recognizance. See *Estate by Statute, &c.*
in a recovery, See *Recovery.*

JUDICIAL OFFICES, what estate may be had in them, III. 99

JURISDICTION. See *Courts Baron, Feudal Jurisdiction.*

JUS ACCRESCENDI,
between joint tenants of freehold or trust estates, and terms for years, II. 369, 370
præfertur oneribus, 375
præfertur ultimæ voluntati, 382

JUSTICES OF ASSIZE,
have a right to appoint to several offices in their courts, III. 93
might take acknowledgments of fines without a writ of *dedimus potestatem*, V. 108

K.

KINDRED, a good description in a devise, VI. 173

KING,
is the chief lord, I. 39
all lands presumed to be held immediately of him where no mediate lord appears, ib.
bound by statute *de donis*, 85. V. 166
debts to. See *Debts.*
seisin of, in his demesne as of fee, I. 54
is within statute *de donis*, 74

KING—*continued.*
may extend lands entailed for a specialty debt, I. 85
may by prerogative transmit a chattel to his successors, 228
no laches can be imputed to him, 249
cannot be a copyholder, 329
cannot be seised to any use but his own, 340. 350
may be a *cestui que* use, 354
may be a trustee, 403
gold and silver mines belong to him, 46
cannot be a joint tenant, II. 372
forest lands in his hands, or in those of his lessee, not tithable, III. 45
entitled to tithes of extra-parochial lands, 48
cannot erect any new office with fees without consent of parliament, 93
may terminate an abeyance of a dignity, 191
may hold a rent reserved out of an incorporeal hereditament, 276
when entitled to escheats, 416
can only take and grant by matter of record, IV. 12
cannot convey by bargain and sale, 99.—by covenant to stand seised, 107.—or by lease and release, 115
takes a fee simple without the word *heirs*, 279
every act of parliament relating to him is a public act, V. 3
might levy a fine, 115, 116
might bar an entail by fine, 166
not barred by a fine to which he was not a party, 223
could not suffer a recovery, 348
is within the statute 32 Hen. 8. c. 28. s. 6. 414
reversions and remainders vested in him not barrable by recovery, IV. 350, 351. V. 422
may devise land, VI. 12

KING'S GRANT,
nature of, V. 45
charters and letters patent, ib.
when need no delivery, ib.
of franchises, when sufficient, 46
of fairs, markets, parks, warrens, &c. ib.
of offices, ib. III. 94
of crown lands, V. 46
of his private property, 39 & 40 G. 3. c. 88. 51
of lands acquired by escheat or forfeiture, 52.
how construed, 53
shall only be taken to a common, and not a double intent; case of mines, ib.
what passes by general words, ib. 54
general words in, not referring to any certainty, will not pass any thing, 54

KING'S GRANT—*continued.*
but *aliter* if they refer to a certainty, V. 54
is void where it is apparent on the face of it that the crown was deceived, 56
except in case of misrecital in a patent, wherein the king's intent sufficiently appears, 57
or where the king is not deceived by false suggestions of the party, but only mistaken by his own surmises, 58
may be explained by recital, V. 57. n.
KING'S LICENCE for alienation by tenants *in capiti*, IV. 5, 6
in mortmain. See *Mortmain.*
KING'S SILVER. See *Fines*, V. 73, 74
KNIGHT SERVICE,
tenure by, I. 22
incidents to, and fruits of it, 23—26
distinguished from escuage, 23
KNIGHT'S FEE, I. 22
KNIGHTS TEMPLARS,
exempted from tithes, III. 53

L.

LANCASTER, court of the county palatine of,
fines might be levied there, V. 101, 102
and recoveries suffered, 338
LAND,
meaning of the word, I. 45, 46
estate in land, 47
money to be laid out in land, 46. 73. 97. 147. 392. 393
when held to be money, 99. 449. See *Money.*
what passes in a deed by the word *land*, IV. 267. not tithes, 268
by what description demandable in a fine, V. 135
annexed to an office, might be barred by fine and non-claim during the life of the officer, 201
effect of the word *land* in a devise, VI. 174
LANDBOC, IV. 7
LAND TAX,
how estate tail conveyed to be sold for redeeming, I. 92
whether payable by jointress under the word *clear*, IV. 151, 152, &c.
LAPSE of right to present to a church, III. 13
LAWS,
sources of our ancient, as to real property, I. 1—3

LAY CORPORATIONS. See *Corporations.*

LAY IMPROPRIATIONS, III. 48. See *Tithes.*

LEASE,
described, IV. 54
of freehold, must be perfected by livery of seisin, ib.
for years, must be perfected by entry, ib. I. 225
the technical words *demise, lease, and to farm let* are not necessary, IV. 54
words of covenant, agreement, or grant, will sometimes amount to, ib. 55. I. 310
except as to copyholds, 309, 310. IV. 55. note (*d*).
agreement for a lease, 56
when construed a present demise, and when an executory contract, 58
must have a certain beginning and ending, 58
if the date is impossible, lease begins from its delivery, ib.
may determine by proviso before the precise period fixed for its expiration, 60. 71
all lands, whereof a person is in possession, may be leased, 60
advowsons, tithes, and offices, not concerning the administration of justice, may be leased, ib. 61. III. 99
Who may make leases:
all natural persons not disqualified, and all lay corporations, IV. 61
committee of lunatics by order of chancery, ib.
tenants in fee simple, ib.
tenants in fee tail may, by 32 H. 8. c. 28. s. 1., make leases for three lives, or twenty-one years, ib. I. 87
but otherwise lease by tenant in tail is not good against remainder-man or reversioner, IV. 61. 70. or issue in tail, 70
and if by feoffment with livery, sometimes worked a discontinuance, 61, 62
husbands seised *jure uxoris*, and complying with 32 H. 8. c. 28., 62. 70
ecclesiastics seised *jure ecclesiæ*, 62
requisites of such leases under the enabling and disabling acts, 62—66. 70. note (*a*).
parsons and vicars, 66, 67
tenants for life, for their own lives, 67
effect of joining remainder-man, or reversioner, with tenant for life, in making a lease, ib.
under powers, 157
tenants by the curtesy and in dower, 67
tenants for years, for a less number of years than the original term, ib. 88
such derivative leases need not be surrendered in order to renew the original lease, 67
underleases, ib. 88. II. 8

LEASE—*continued.*
Who may make leases:
guardians in socage, and *semb.* testamentary, IV. 68
executors or administrators, ib.
joint tenants, coparceners, or tenants in common, ib.
copyholders, when, ib. I. 284. 308
Who are incapable of making leases:
insane persons, &c. 68, 69
infants, unless the lease be evidently beneficial, 69
married women, ib.
What leases are void:
leases by tenants in tail, as against the remainder-man or reversioners, IV. 61. 70. I. 87
leases by tenants for life, on death of lessors, IV. 70
leases by tenants for life unwarranted by their power, 158. 165
leases under a power not well executed, 158
on breach of condition, determining it, 71
on non-payment of rent according to proviso determining it on such default, 72
but both law and equity will relieve on payment of arrears and damages, II. 31. IV. 73. n.
where lessor only has the option of determining the lease on breach of condition, 73
distinction between void and voidable leases, 69. 71
What leases are voidable only:
leases by tenants in tail unwarranted by stat. 32 H. 8., 70
leases by husband and wife unwarranted by stat. 32 H. 8., ib.
leases by a husband, alone, of his wife's land, ib.
confirmation of lease by acceptance of rent, &c. 70—73. See *Acceptance of Rent.*
all persons whatever may be lessees, 73
distinguished from an assignment, 88
a freehold lease under a power, good without livery of seisin, 158, 159
under a power, when said to be in reversion, 164. 166
concurrent leases, 169
commencing from the day of the date, not said to be in reversion, 165
under a power in which the usual rent is to be reserved, must specify the amount of the rent, 172
under a power, how usually restrained, 159
what leases are excepted from the register acts, 447
renewed by a trustee in his own name, subject to the former trust, I. 396, 397
may be conditioned to determine by bankruptcy, II. 12
subsisting prior to a judgment, is a bar in ejectment, 56, but not to extent on elegit, ib.
by a mortgagor in possession, does not bind a mortgagee, II. 81

LEASE—*continued.*
the assignee of a lease is liable to the covenants real, II. 85. IV. 372. and entitled to the benefit of them, 372
mortgagee of a lease is liable to the covenants before entry, and though never possessed in fact, II. 85, 86
by a mortgagee in possession, when it will bind a mortgagor, 86
of lands in mortgage, how to be made, 87. n.
renewal by a mortgagee in possession, a trust for the mortgagor, 87. I. 396
grant of lease for years will not destroy future uses, II. 297
for years, by a joint tenant, binds the survivor, 376, will sever a jointure, 380
by tenant in tail, when a discontinuance, IV. 61, 62
for lives, need not have been surrendered to make a good tenant to the præcipe, V. 281
of lands devised, operates as a partial revocation only, VI. 109
devises of leaseholds, how revoked, 111
a lease of a copyhold, contrary to custom, is a forfeiture, I. 308
Powers of leasing, IV. 157. See *Powers.*
no use results between lessor and lessee for life or years, I. 377
no trust implied between lessor and lessee, 403
the possession of a lessee for years is the possession of the heir, 50. 141. III. 344, 345
the lessee of a mortgagor has a right to redeem, II. 83
the possession of the lessee of a copyhold, is the possession of the copyholder, III. 391
a lessee who has paid no fine and pays no rent is not a purchaser within the statute 27 Eliz. c. 4., IV. 433
a lessee at a rack rent is a purchaser for a valuable consideration within the statute 27 Eliz. c. 4. ib.
where a lessee for years levied a fine, the lessor and reversioner was within both the savings of the statute 4 Hen. 7., V. 120. 202
a second lease devests the first, when, 226
Privity which may exist between a lessor and lessee, and their assignees, IV. 375, 376

LEASE AND RELEASE. See *Release.*
is derived partly from statute of uses, and partly from the principles of common law, IV. 113
is in fact a bargain and sale for a year and a common law release, operating by enlargement of estate, ib. 79
ancient practice of, 113
present practice of, how contrived, 114
operates by transmutation of possession, no actual entry necessary thereon, ib.
is the most common assurance for transfer of freehold estates, ib.
lease and release may be in the same deed, ib.

LEASE AND RELEASE—*continued.*
words of demise will amount to a good bargain and sale, to ground a release, IV. 114
the recital of a lease for a year, is evidence of such lease against the releasor, but not against strangers, ib. exception, ib.
in Ireland lease for a year not required, ib.
Who may convey, and what may be conveyed by it:
estates in remainder and reversion, 115
incorporeal hereditaments, ib.
nominal consideration, as of *5s.* or a peppercorn rent, is sufficient to raise a use in a bargain and sale, to ground a release, ib. 116
no consideration necessary in the deed of release to the bargainee for a year, 116
does not devest any estate, or create a discontinuance or forfeiture, ib. for it merely passes what releasor may lawfully convey, II. 270
uses may be declared on a lease and release in fee, but not on a release or confirmation which enures by way of *mitter le droit*, IV. 131
Qu. if a use results on, 116. I. 373
may contain powers, IV. 135
effectual, though improper execution of a general power, 195
conveyance void as, may operate as a grant and assignment, 249
releasees, &c. to uses, if entitled to possession of title deeds, Qu. 117
operates as an extinguishment of a power relating to the land, 234
does not extinguish a power in gross, 235
nor a power simply collateral, 238
to make a tenant to the præcipe, V. 310
by a particular tenant will not destroy contingent remainders, II. 270
LEET COURT, III. 258. See *Manor.*
LEGACY,
in bar of dower entitled to preference, I. 161
when satisfaction presumed, III 457. n.
stands on the same ground as a specified or scheduled debt, I. 450
out of real property, not within the statute of limitations, III. 468
what passes by the word *legacy* in a devise, VI. 176
a devise of lands charged with legacies gives an estate in fee, 222
a legatee may be witness to a will of lands, 60
LEGAL ESTATE,
vests in trustees, when, I. 382—390
when it follows the use, 357, 358
the rule in Shelley's case applied to devises of, VI. 275—328. See *Rule in Shelley's Case.*
cannot unite with an equitable one under the rule in Shelley's case, IV. 312. VI. 312
where a bar in ejectment, I. 414. 442, 443

LEGAL ESTATE—*continued.*
where a reconveyance of it will be presumed, I. 443, &c.
when not, 416
LETTERS PATENT, dignities by, III. 135
under great seal need no delivery, V. 45
LEVANCY AND COUCHANCY, III. 67
LEX LOCI,
evidence of, 394
LIBERATE,
effect of, against priority of the crown in executions, II. 50
LIBERUM TENEMENTUM. See *Tenement.*
LICENTIA CONCORDANDI, V. 73
LIFE, estate for. See *Estate for Life.*
LIMITATION, STATUTES OF. See *Prescription.*
operate as an extinguishment of a remedy by action without giving the estate to the other; therefore properly called a negative prescription, III. 430
antiquity of this kind of prescription, ib. 431
stated, ib.
effects of,
as to writs of right, ib. 432
as to prescriptive rights, ib.
as to avowries for rent, suit, and service, accruing within fifty years before, ib. 455, 456
as to writs of *formedon*, 432
as to entry upon lands, 434
semb. actual entry unnecessary, if ejectment brought within twenty years, 436
effect of twenty years peaceable possession, ib.
such a possession to be good, must be adverse to the title of the claimant, ib. 460
previously to stat. 3 & 4 Will. 4 c. 27. a valid existing lease postponed the right of entry, 439
aliter, if the lease was void or considered as a trust for the person entitled to the inheritance, 443
previously to the above statute where a new right accrued, a new entry was given, 447
the entry must be upon the land, 450, and followed by action within one year, 451
extend to all natural persons, all freehold and leasehold estates, copyholds, rents and offices with fee, 452, 453
nullum tempus act to bar the king and his lessees, 457
what persons and estates not within
mortgages when, II. 116

LIMITATION, STATUTES—*continued.*
what persons and estates not within
previously to stat. 3 & 4 Will. 4. c. 27.
ecclesiastical corporations, III. 453, 454
advowsons, ib.
rents created by deed or reserved on any particular estate, and the certainty appearing in the deed, 455, 456
bond debts, and other specialties, 457
legacy given out of real estate, 468
but the above stat. 3 & 4 Will. 4. c. 27. extends to them all, 449. 454. 457
dignities, ib. 184, not even in case of adverse possession, ib.
fealty and other services, 456
trust estates, as between *cestui que trust* and trustee when there is no adverse possession, 460, *aliter* where there is, ib.
tithes, previously to stat. 2 & 3 Will. c. 100. 51. 455
Savings in the statute 21 Jac. 1., 451
where fraud is charged defendant cannot plead, stat. lim. to the discovery of his title, but must answer to the fraud, 467
but a *bonâ fide* purchaser will not be affected by such fraud, ib. n. (*b.*)
whether a bill pending in chancery takes the case out of, 468
LIMITATION, Words of, IV. 275
LINEAL CONSANGUINITY, III. 319
LINEAL WARRANTY, IV. 358
LIVERY OF SEISIN, I. 47. 49.
equivalent to the investiture of feudal law, 47
land might have been transferred by verbal contract, if accompanied by, till 29 Car. 2. c. 3. s. 1., IV. 8. 27. 85
must be in each county, where the lands lie in different ones, 46
unless they are comprised within the same manor, ib.
livery in deed and in law, ib. 47
livery in law does not transfer the freehold till entry, 47
may be given and received by attorney, 48
courts of law and equity sometimes presume it, ib.
where equity will supply the want of it, ib.
necessary to a feoffment, 46., and see Doe v. Taylor, 5 Bar. and Adol. 575
where necessary to the operation of a gift, 51
not of a grant, ib.
necessary to the completion of a freehold lease, 54
not to that of an exchange, 75
not necessary in a surrender, 85
nor in a freehold lease under a power, 158, 159
nor to the completion of a fine, V. 65, 66
livery to one joint tenant enures to all, II. 377

LOCAL LIBERTIES, might, before the statute 27 Hen. 8., be conveyed to uses, I. 341

LONDON,
custom of barring dower there, 177
a married woman may bind herself in London by a deed enrolled, IV. 19, 20
a recovery might be suffered in the court of hustings there, V. 339

LORD AND VASSAL. See *Feuds.*
connexion between, I. 11.
duties and obligations of, ib. 13
respective estates of, in the feud:
nature of, 12, 13
subject to forfeiture, 16, 17
origin of lords' courts, 17. 30

LORD OF A MANOR. I. 33. See *Copyholds.*

LORD BY ESCHEAT. See *Escheat.*

LUNATICS. See *Idiots and Lunatics.*

M.

MADDER, titheable, III. 39. 43

MAGNA CHARTA. See *Statutes, K. John.*

MANOR. See *Franchises, Escheat.*
origin and nature of, I. 29, 30, 31. III. 251, &c.
are tenancies in gross which must have been created before 18 Edward, A. D. 1289-90, I. 33, 34., and see 22
of what things consist, III. 251
the freemen tenants of a manor were tenants for years, I. 223
the villein tenants held at will of the lord, and by degrees became copyholders, holding at will of the lord, according to the custom of the manor, 254
parsonage may be a, 30. n.
demesnes and services are,
the two material causes of, 30
essential to existence of, 33, 34
court baron is the main cause of, 32, 33, 34. See *Court Baron.*
a court leet, III. 258
superior and inferior, I. 33
destroyed,
by severance of all the demesnes from the services by act of the party, 33, 34
by extinction of the services by unity of possession of demesnes and services, &c. 34
revived, after severance of demesnes by act of law, ib.

MANOR—*continued.*
reputed manor
remains after extinction of the services, I.34
lord of, has the same franchises as if the services still existed, III. 257
seigniory in gross
remains after separation of the services from the demesnes, I. 34, 35
released to tenant, fealty remains, 39
whether is of ancient demesne or not, how determined, 37
grant of part of waste of, by copy, *semb.* must be by consent of homage, 263
except by contrary custom, tenable at law, ib.
custom of one manor not in general admitted to prove that of another, 266. Exception in mine countries, ib.
a manor, although divided, may sometimes retain its rights, 259
a manor, although destroyed, will support copyholds, 34. 259
customary manors may be demised by copy of court roll, 265
what passes in a deed by the word *manor*, IV. 266
what in a fine, V. 134
MARKETS, right of holding them. See *Franchises.*
Marlbridge, stat. of. See *Statutes Hen.* 3.
MARQUIS, title of, III. 124.
MARRIAGE,
selling of wards, I. 27
necessary to curtesy, 140
and to dower, 154
cannot be made void by the ecclesiastical court after the death of either party, 140. 155
how the fact of marriage is proved, 155
conditions against, are generally void, II. 5. 14
marriage contracts by female infants, IV. 15.—by male infants, 16
is a valuable consideration, I. 203. IV. 24. 292. 434
dignities by marriages, III. 143
distinction between a conveyance previous to and in consideration of marriage, and a conveyance made afterwards to a wife or her children, IV. 437, 438
how far the consideration of marriage extends, 442
conveyances in derogation of marriage rights, also marriage bonds, and beneficial leases taken as rewards for procuring marriage, are void in equity, 411
construction of marriage articles, 259. 302
marriage and birth of a child revoke a devise, VI. 89
Q. whether marriage alone revokes a devise, 91, 92
revokes a woman's will, 92
conditions in restraint of marriage. See *Conditions.*
marriage settlements. See *Settlements.*

MARRIED WOMEN,
may dispose of lands with husband's consent, I. 100
before whom her disposition to be acknowledged, ib.
general orders of Michaelmas Term, 1833, respecting such acknowledgment, App. VII. 19
and of Hilary Term, 1834, 22
cannot take a copyhold by grant from their husbands, if lords of manors, I. 272
no act of a married woman amounts to a forfeiture of a copyhold, 317
may be admitted to copyholds by attorney, 304
no heriot due on the death of a married woman, 305
a devise of a copyhold by a married woman is void, VI. 42
may be seised to uses, I. 340. 349
no laches can be imputed to a married woman, 205. II. 115
not bound by delivering up voluntary bond to settle jointure, I. 205
trust for the separate use of a married woman, 385
Qu. whether with husband can bar restraint on alienation, by stat. 3 & 4 Will. 4. c. 74. s. 77. App. VII. 15
cannot be trustees for their husbands, I. 402
purchase in the name of a married woman, ib.
may be bound by a condition, II. 26, 27
bound by a decree of foreclosure, 199
exception in favour of married women in the statutes of limitation, III. 451
what deeds they may execute, IV. 20
their deeds are generally void both at law and in equity, ib.
may be grantees in a deed, 21
may take from their husbands under the statute of uses, ib.
deed of, may be made good by a second delivery after husband's death, 30
escrow of, ib. 31
cannot make leases, 69
but may appoint persons to make and receive surrenders of leases for the purposes of renewal, ib.
might join with their husbands in declaring the uses of a fine or recovery, 128
power of, as to levying fines and suffering recoveries. See *Fine and Recovery*.
effect of a fine in barring a married woman, V. 172, 173
cannot declare the uses of a lease and release, IV. 131
may execute powers of appointment or revocation, 143
may take from their husbands by appointment, 146
could not bind themselves at common law by a bargain and sale of a use before the statute 27 Hen. 8. c. 10. V. 173
may, by the custom of London and some other cities, bind themselves by a deed enrolled, IV. 19, 20

MARRIED WOMEN—*continued.*
are disabled from devising by the statute of wills, 142. VI. 13
may make wills, in case their husbands are banished, or have abjured the realm, ib. 14
may be devisees, 15
MEMORIALS,
circumstances required by the register acts, IV. 445
a memorial of a devise may be registered, VI. 9, 10
of annuities, IV. 461
MEMORY, legal, III. 425
MERE POSSIBILITY not to be regarded in presuming conveyances, I. 416
MERGER, I. 56. See *Surrender.*
I. defined, VI. 467
all inferior estates merge in the fee, I. 56
distinguished from suspension, VI. 467
extinguishment, ib. 468
implied surrenders of leaseholds, 468
II. Requisites to produce merger, 469
1. the estates must meet in the same person without any intervening estate, ib.
2. they must be estates, not rights, 470
3. they must be estates in the same part of the land, 471
4. the estate in remainder or reversion must be greater in quantity, 473
5. the estates must unite in the same person, in the same right, 479
6. or if in different rights, they must meet by act of the party and not by mere act of law, ib.
7. and if in different rights an absolute power of alienation must be incident to both estates, 480
III. When union does not produce merger, 481
IV. Consequences of merger, 491
1. upon the party whose estate is merged, ib.
2. upon persons having interests, derived thereout, ib. 492
3. upon the estate in which the merger takes place, 494
takes place where a particular estate vests in the person who has the fee simple, I. 56. VI. 467
and where a charge as a sum of money comes to him, I. 56. VI. 491. 496
and where the money is secured by a legal estate in a third person, I. 56
exception, ib.
estates tail not subject to, 75. II. 362. VI. 481
exception previously to stat. 3 & 4 Will. 4. c. 74., V. 168. VI. 481, 482. 491
of estates for life, I. 104. VI. 467. 471—475

MERGER—*continued.*
an estate *pour autre vie* will merge in an estate for a man's own life, I. 102. 104. VI. 473, 474
of trust estates, I. 413, 414. 420—422. VI. 493
of powers, IV. 241. VI. 490, 491
of an estate for years, I. 236, 237. VI. 476
for purposes of, reversion always considered the greater estate, I. 240. VI. 476
by union with the freehold, I. 236
except where only an *interesse termini*, 237. VI. 470
by surrender, I. 237, 238.—to a reversioner for years, IV. 87. VI. 469
by implied surrender, 468
a term for years saved from merger by the statute of uses, I. 240. 358, 359. VI. 483. 489, 490
equity relieves against merger of term, I. 240. VI. 480. 483. 492
gradation of estates in reference to, 475
if governed by the intention, 487 & n.
MESNE INCUMBRANCER, I. 427
MESSUAGE,
what was anciently meant by this word, III. 67
what will pass by it in a deed, IV. 267
what in a devise, VI. 175
MILITARY TENURES,
account of, I. 20
abolition of, 28. IV. 6, 7
MILK titheable, III. 45
MILLS,
the profits of them are titheable, 45
dower of, I. 169
MINES,
belong to tenant in fee simple, 55
of gold and silver, belong to the king, 46. 55
opening mines by tenant for life is waste, 118
when opened are subject to dower, 169
custom of manor as to, 266
cannot be dug for either by the lord of a manor, or by the copyholder, without a custom, 268. 282, 283
but may by lessee of land and mines thereon, 118
are under the protection of trustees to preserve contingent remainders, II. 301
the profits of mines are not titheable of common right, III. 45
but may be by custom, ib.
as to mines being a distinct right from the right to the soil, V. 16
recoveries could not be suffered of mines, 340
royal mines do not pass by king's grant of all mines, &c., 53—Exceptions, 60

MONEY to be laid out in land,
considered in equity as land, I. 46. 97. 99. 147
when held to be land, 99. 449.—when not, 214
may be entailed, 73.—mode of barring such entail, 97—99
liable to curtesy, 147
does not escheat, III. 415, 416
a fine could not be levied of it, V. 134
will pass by a devise of lands, tenements, and hereditaments, VI. 174
following money into land when wrongfully expended, I. 392, 393

MONK dead in law, I. 272

MONSTRAVERUNT, writ of, 37

MORAL CERTAINTY,
the guide in questions of title, not mathematical certainty, 416

MORTGAGE,
origin of mortgages, II. 64
mortgage at common law, 65, 66
interposition of court of chancery, 66
description of a mortgage, 67
defeazance or clause of redemption in a separate deed, ib. 117, 118
covenant for payment of the mortgage money is now usual, as an additional security, 68. 138, 139
effect of it, 68. 138, 139
mortgagees in fee and for years, 68
covenant peculiar to mortgage for years, ib. 69
Welsh mortgages 69. 118. 198
equitable mortgages, as *e. g.* by written agreement to transfer an estate or deposit of title deeds, or copy of court roll as a security, 69. 164
every conveyance of a real estate for securing repayment of a sum of money is a mortgage, 69
restraints on the right of redemption are void, 69—71
what is once a mortgage continues a mortgage, 69. 73
no agreement made at the time of mortgage, that in default of payment at a given day the conveyance shall be absolute, is good, 70
no subsequent agreement to restrain right of redemption to a particular period, is good, 71
distinguished from a new agreement for an absolute purchase, 72
and from a defeazible conditional purchase, 74
a power of sale may be given to a mortgagee, if the money borrowed is not paid at the given time, 78
may be assigned, 81. 89
assignee only entitled to what is really due, 89

MORTGAGE—*continued.*
is considered in equity, and passes by will as personal property, the debt being the principal and the land the accessory, II. 68. 90. 95. 155, 156
unless the intention of mortgagee seems to have been otherwise, 90
the right to the land follows the assignment or forgiving of the debt, though such forgiving were by parol, ib. 91
but the land must be reconveyed after payment of the money, ib.
unless mortgage ceases under proviso for cesser, and money paid at the time specified therein, ib.
irredeemable, when, 93
by husband and wife, 143
Second mortgage, 94, 95, 157, 158. 169—174. See *infra, of Tacking.*
advowson may be mortgaged, III. 19
copyhold may be mortgaged by surrender, V. 462
how affected in equity by the register acts, IV. 433
equity of redemption of mortgage in fee made before marriage previously to stat. 3 & 4 Will. 4. c. 105. was not liable to the dower of the mortgagor's wife, I. 163, 164. 410. II. 97
aliter for mortgage for years, I. 162. II. 102.
by a joint tenant, severs the joint tenancy, 380
of lands devised, operates as a partial revocation of the devise, VI. 110
what words pass mortgages in a devise, 200—202. See *Devise.*
mortgage in fee will pass under a devise of real estate, though equity of redemption not released, II. 90
Mortgagor, interest and power of,
how considered in equity, II. 68
is *quasi* tenant at will to mortgagee, 80. 85; exception, 80
not entitled to six months notice to quit, 81, 82, so of his lessee, 81
his interest is therefore inferior to that of tenant at will, ib.
his concurrence necessary to grant a lease, 87. n.
usually made a party to assignment by mortgagee, 89
loses his right of redemption by fraud, 93
may nominate in case of an advowson, but mortgagee presents, III. 19
must make what title to mortgagee, II. 197
Mortgagor in possession,
what tenancy subsists between him and mortgagee, 80, 81
cannot commit waste, 81
cannot make a lease to bind the mortgagee, ib.
could not bar the mortgagee by fine and non-claim, 83. V. 255
after forfeiture, is in what situation *quoad* mortgagee and strangers, II. 94
has such a possession as in equity is equivalent to actual seisin, 95, 96
mortgagor being in possession, when satisfaction presumed, 121

MORTGAGE—*continued.*
Mortgagee, interest and power of, I. 449, 450. II. 80. 83
has the legal estate, 83, as far as necessary to his security, 92
considered in equity as trustee for mortgagor, 68. 83. 91, 92
holds the lands mortgaged as a pledge for securing repayment of money borrowed, 83
may sell under a power, 78
on non-payment of the interest,
may bring ejectment, subject to what stay of proceedings, 83, 84
may give notice of the mortgage to the tenants, and is then entitled to the rent, 84
of a lease by assignment, is subject to the covenants, though he never occupied or became possessed in fact, 85, 86
is a purchaser for valuable consideration within 27 Eliz. c. 4. I. 450. IV. 436
husband of mortgagee in fee cannot be tenant by the curtesy unless when, II. 95
ought to have the title deeds, if the possession of them be incident to his security, and why, 163—166
becoming lunatic, his committee may convey, 122
making lasting improvements is entitled to amount of expenditure with interest, 149
cannot tack simple contract debts, 174
Mortgagee in possession,
will be restrained by chancery from committing waste, 86
except when the security is defective, ib.
produce of timber cut down by, how applied, ib.
of a copyhold, may commit what waste to prevent forfeiture, ib.
cannot make leases so as to bind mortgagor; exception, ib. 87 & n.
cannot present to a living, 87, except the mortgagor's nominee, III. 19
could not bar mortgagor by fine, II. 87
who renews a lease, is a trustee for mortgagor, ib.
must account with the mortgagor, as his bailiff, for the profits, ib. 88
so to the creditors if he collude with mortgagor, 88
assigning his mortgage, without mortgagor's consent, is answerable for the profits, ib.
will not be allowed any thing for his trouble in receiving rent, ib.
will be allowed what expenses, ib. 89
whenever gross sum received by, exceeds the interest, it shall be applied to sink the principal, 89
may assign his mortgage before or after entry into possession, 81, 89.
assignment by, to insolvent, is a breach of trust, 88

MORTGAGE—*continued.*
Mortgagee in possession,
assignee is only entitled to what is really due, II. 89
and must allow payments to the mortgagee without notice, 89
receiving rents and profits and converting them to his own use after mortgage money paid is chargeable with interest, 153
An equity of redemption,
origin and nature of, 66. 92. 95
the right to redeem cannot be restrained, 69
may be lost by fraud, (4 W. & M. c. 16.) 93
similar in many respects to a trust estate, ib. 96
may be divested, and adverse possession obtained, 94
is alienable and entailable as a trust estate, ib.
passes by voluntary conveyance, 198
is devisable as such, 94. VI. 25
such devise is within statute of frauds, 67
descends as equitable estates to the heir of mortgagor, II. 94
follows the customary descent as in borough English or gavelkind, 94
there might be *possessio fratis* of, ib.
may be mortgaged, ib.
such mortgage is usually called a *Second Mortgage*, and why seldom advised, ib. 158
may be charged with payment of an annuity, 95
of a mortgage in fee, is subject to curtesy, ib. I. 148
for there may be a seisin of it, II. 95
of a mortgage in fee previously to stat. 3 & 4 Will. 4. c. 105. not subject to dower, I. 162, 163, 164, 410. II. 97
of a mortgage for years subject to dower, I. 162. II. 102
chancery will relieve the dowress, by removing a satisfied term, 102
dowress must pay one-third of the interest or of the principal, if the term is not satisfied, ib.
is subject to crown debts, and may be sold under extent, ib. 103
of mortgage in fee is assets in equity, sometimes in law, 103, 104
of a trust estate is equitable assets, 104
cannot be extended by a judgment creditor, ib.
effect of a devise of it for payment of debts, ib.
who may redeem,
all those who derive interest from mortgagor by purchase or devise, ib.
heir at law or by custom, ib.
a subsequent incumbrancer as a judgment creditor, ib.
a creditor by statute even after foreclosure, 105

MORTGAGE—*continued*.
An equity of redemption:
who may redeem,
a dowress, jointress, and tenant by curtesy, II. 105
the crown on outlawry of mortgagor, ib.
and its assignee, II. 106
whoever redeems, must do equity, 106
thus heir at law, devisee, or executor of mortgagor, cannot redeem a mortgage without also paying off money due on bond to the same person, 106—110. See *infra, of Tacking*.
but mortgagor himself may, 110
bond creditor taking assignment of mortgage has the same equity against mortgagor and his heirs, that both debts may be paid, 107.
but this rule does not hold against a purchaser or assignee of the equity of redemption, ib.
if one of two mortgages to the same person is a defective security, both must be redeemed, 111
where one of two several tenements separately mortgaged is below the value, and the other is above it, the heir must redeem both, ib. 112
second mortgagee with notice cannot redeem the first mortgage; without paying off further advances on the first mortgage, 157, 158
previously to stat. 3 & 4 Will. 4. c. 27. no precise time was fixed for redemption, 113 & n.
but twenty years possession by mortgagee generally made a mortgage irredeemable by analogy to the statute of limitations, 113, 114
except where there was a disability, 114
and party sued within ten years after its removal, 116
or where an account had been settled, ib.
or where the mortgagee had acknowledged the mortgage within twenty years, 117
confirmed by the recent statute of limitations, 113
where no time is appointed for payment, as in case of a Welsh mortgage, 118
but this perpetual right of redemption may be lost by subsequent agreement, 119
where lands are conveyed to a person, till by perception of the rents he is paid principal and interest, ib.
where there is fraud in the mortgagee, 122
so where mortgagor continues in possession without acknowledgment of debt, only of part of mortgaged premises, 121
Qu. whether redeemable as to one part and not as to the other, 121, 122

MORTGAGE—*continued.*
An equity of redemption,
Qu. whether it will escheat to the crown, III. 415
is within stat. 11 Hen. 7. c. 20. for preventing jointresses from levying fines or suffering recoveries, V. 410
of a copyhold, follows the custom as to the legal estate, 462
committees of lunatic mortgagees may convey, II. 122
Payment of mortgage money and interest:
personal estate is first liable, 123, 124
even in favour of a devisee, 124
and though there is a disposition of the personal, or a charge on the real estate, for payment of debts, 125
on mortgages by husband and wife, for the husband's benefit, the husband's personal estate is first liable, 143
aliter, if the sum borrowed on the wife's estate is partly to pay her debts, and partly for the husband's use, 146
or if the charge on the wife's estate was not created by the husband, ib.
or if it appear, by parol evidence, not to have been the wife's intention to stand as a creditor for the mortgage money, 147
but not to the prejudice of legatees, 137, 138
land devised for payment of debts, is applied in default of personalty to discharge mortgages, 126., and also lands descended, 128
real property will be applied before personalty, in discharging a mortgage, where
testator exempts his personalty by substituting his real estate, 136
or specifically bequeaths a chattel in his will, 137
personal estate is not liable,
where the mortgage debt is contracted by another, for it is not personal, 138
nor in the first instance, though the party covenant to pay the mortgage debt of another, ib. 139
nor though the party charges his real and personal estate with his debts, 140
where an equity of redemption only is purchased, 142
nor in the first instance, though the purchaser covenant to pay the mortgage money, ib.
unless the purchaser makes the debt his own, 143
proportion to be paid by tenants for life and remainder-men in redeeming, 149
where tenant for life or in tail pays off a mortgage, ib.
payment of interest, 150
rates of interest in Great Britain, Ireland, or West Indies, ib. 151
interest on mortgages is due *de die in diem*, 151

MORTGAGE—*continued.*

Payment of mortgage money and interest:

time for recovery of interest limited to six years, II. 151. n. Exception, ib.

agreement for lowering interest, 151

agreement for taking higher rate of interest, on default in its payment, ib.

interest due is not to be turned into principal, except on advance of fresh money, 152, 153

interest upon interest is allowed,

where a mortgage is assigned *bonâ fide*, and with mortgagor's consent, and assignee pays interest due, 152

where an account has been settled and signed by the parties, ib.

or has been settled by a master in chancery, including costs, ib.

where equity enlarges time of payment, in order to prevent foreclosure, 153

against an infant, only where a benefit accrues to him, ib.

who are bound to pay interest on a mortgage,

tenants in fee and for life, 154

infant tenants in tail, ib. 155

who are not bound to pay interest on a mortgage,

tenants in tail of full age, 154

issue in tail, or remainder-man, ib.

remainder-man shall have benefit of payment of interest of a mortgage by tenant in tail, 155

mortgage money is payable to executor of mortgagee, ib.

parol evidence of payment of the debt is admissible, 90, 91

when the debt is discharged, the mortgagee's interest in the land ceases in equity, though his legal estate continues, 156

Order in which mortgages are paid:

mortgages are paid according to priority of dates, 157

subsequent loan, made under clause in first mortgage for further advances, has a priority to a second mortgage, ib.

not preferred in equity to debts by statute, judgment, or recognizance, 158

legal incumbrances, without notice of prior equitable incumbrances, are preferred to them, 159

possession of the deeds by second mortgagee will not give him a priority, unless there is a fraudulent purpose, or concurrence in such a purpose, or gross negligence, amounting to evidence of fraudulent intention, 163—167

equity will not take title deeds from possession of second mortgagee, unless the first mortgagee pays him his money, 167

a defective first mortgage loses priority to a second effective one, ib.

MORTGAGE—*continued.*
Order in which mortgages are paid:
but is preferred to bond or other debts, not originally affecting the land, II. 167
priority may be lost by the fraud of the first mortgagee, in concealing his own mortgage, when, 169, 170
prior incumbrancer is bound to answer what questions, 169, 170
effect of attestation by prior mortgagee of second mortgage deed, 170
Tacking subsequent to prior incumbrances: (See *supra, Equity of Redemption.*)
a prior mortgagee
in Ireland cannot tack, when, 174
cannot tack a bond to his mortgage debt; for that would prejudice the puisne incumbrancer, 106. 108. 110
but the land, when redeemed, is assets for the heir, or devisee, or executor, to pay off the bond, in order to prevent circuity, 106. 109. 111
so, where there is a devise for payment of debts, created by mortgagor's will, the bond may be tacked, 110
bond creditor taking assignment of mortgage shall be paid both, 107
cannot tack a puisne mortgage, if he had notice of mesne incumbrances, 109
nor if he takes the assignment of the puisne mortgage as trustee only, ib.
having a puisne incumbrance, a mesne mortgagee must redeem both, ib.
may tack his mortgage to a judgment, where both are in the same right, ib. 174
is entitled to the full amount of a puisne incumbrance purchased, though he does not give the full value for it, 110. 187
but this rule does not apply to agent, trustee, heir at law, or executor, buying in puisne incumbrance, as against another incumbrancer, 187, 188
making further advances has preference over second mortgagee, with notice of prior mortgage, 157, 158
a puisne mortgagee,
without notice of prior incumbrance may, by tacking his mortgage to it, obtain priority over mesne mortgages, 170—172. 174
for purchaser without notice, who afterwards obtains assignment of prior incumbrance to trustee for himself, protects the land from mesne incumbrances, I. 427. II. 63. 170, 171, 172

MORTGAGE—*continued.*
Tacking subsequent to prior incumbrances:
a puisne mortgagee,
but having notice of second mortgage must keep first security on foot, II. 170 & n.
protected against mesne incumbrances, by covenant that first mortgage shall secure the subsequent sums, 157
who takes in a term in gross, or attendant to trustee for himself, will prevail in ejectment against a prior mortgagee, 174, 175
how far protected by taking in a first incumbrance, 187
must have the best right to the legal estate to be entitled to priority, 188
may take in a prior incumbrance *pendente lite*, ib.
creditor by judgment,
cannot, by buying in an old mortgage, tack it to his judgment so as to gain it a preference over subsequent mortgage, 173
but a prior mortgagee may, 109. 174
but cannot tack simple contract debts to a bond, 174
effect of a declaration of trust of a term in favour of incumbrancer, 186
custody of title deeds respecting a term, with a declaration of trust of it in favour of a second incumbrancer, is equivalent to actual assignment, ib., and see 192, 193
how far an old incumbrance will protect a puisne mortgagee, 187
at what time a prior incumbrance may be got in, 188. *pendente lite*, 189. 191, but not after judgment, 188
between incumbrancers, having only equitable securities, the prior in time is preferred in payment, 192
a mortgagee will not be allowed to tack a judgment debt to that due on mortgage of a copyhold, V. 462
what will amount to notice of a prior incumbrance, II. 194, 195
direct and constructive notice, 195, 196
Foreclosure:
nature of, 197
ejectment may be brought, pending bill of, ib.
no power of, in Welsh mortgages, 198. 120
binds all persons claiming under entail of equity of redemption, 198
infants bound by, if they do not shew cause against it in six months after attaining full age, ib. 199
what grounds infants may take on such shewing cause, 199
married women are bound by, ib.
decrees of, sometimes opened, and further time for redemption decreed, ib.
a right of, is forfeited by fraud, 122

MORTGAGE—*continued.*
Foreclosure :
a sale sometimes decreed ; as, *e. g.* when the estate mortgaged is reversionary, II. 199
power of equity to make decrees before hearing suit of, what, 200
an advowson may be mortgaged, III. 19
a copyhold may be mortgaged by surrender, V. 462
how a mortgage is affected by the stat. 27 Eliz. c. 4. IV. 433
by a joint tenant severs a joint tenancy, II. 380
a mortgage is devisable, VI. 25.—such devise within the statute of frauds, 67
a mortgage of lands devised operates as a partial revocation of the devise, 110
what words pass mortgages in a devise, 200—202. See *Devise.*
MORTMAIN,
statutes of, I. 53, 54
grantee of estate in fee, shall not alien to ecclesiastical corporation, II. 2
king's license in, I. 53, 54. IV. 21, 22.

N.

NAME,
proviso for assuming, II. 267
describing, in a deed, IV. 261, 262
adopting a surname is not a sufficient consideration to raise a use in a covenant to stand seised, 109
NATURAL-BORN SUBJECTS, who are considered such, III. 320
NATURALIZED PERSONS,
may be freeholders, I. 53
entitled to dower, 159
distinguished from denizens, III. 322
may inherit, ib.
NAVIGATION,
shares in navigation of a river are real property, I. 46
dower of shares in, 161
NEMO potest esse Dominus et Tenens, I. 72. VI. 479. 488
NEW RIVER SHARES,
are real property, I. 46
fines might be levied of them, V. 133
NOMINATION,
distinguished from presentation, III. 3
a mortgagor of an advowson may nominate, 19
NON-CLAIM, statute of, V. 152, 153

NON OBSTANTE, V. 61
NON-USER,
does not devest a rent, III. 295. 453
is a cause of forfeiture of a franchise, 268
when a forfeiture of an office, 113
NORMANDY,
customary law of, introduced into England, I. 3, 4. 24, 25
NOTE OF A FINE, V. 82
NOTICE,
What constitutes notice of an incumbrance, II. 194
direct notice, by formal communication, ib.
constructive notice, by a decree and several other means, 195, 196
a *lis pendens*, 189
registering a deed is not of itself notice, 195. IV. 449, 450
notice to the agent is notice to the party, 452, 453. II. 194
notice to the attorney is notice to the party, IV. 455. II. 194
takes away the effect of registering, IV. 452.—the notice must be proved, 458
how proved, 455
of a prior incumbrance makes a purchaser liable, 452
of a trust will make a purchaser liable to the trust, I. 450. II. 286. 311
necessary to entitle a mortgagee to rent, 84
immaterial to invalidate a conveyance under the statute of Eliz. against fraudulent conveyances, IV. 425
Notice to quit,
a tenant at will must have six months' notice to quit, I. 245. also a tenant from year to year, 248
a receiver appointed by the court of chancery may give notice to quit, 250
notice in writing is a sufficient demand of possession, ib., and is necessary to entitle the landlord to double value under 4 Geo. 2. c. 28. s. 1., for holding over after his notice to quit, ib.
may be given previous to the expiration of a lease, ib.
persons holding over after giving notice to quit must, by statute 11 Geo. 2. c. 19. s. 18. pay double rent, 251.—a parol notice is within the statute, ib.
NULLUM TEMPUS ACT, III. 457. V. 223

O.

OCCUPANCY. See *Estate pour autre vie.*
General,
on death of tenant, *pour autre vie* in lifetime of *cestui que vie*, I. 110
could not be against the king, ib.

OCCUPANCY—*continued.*
General,
nor formerly of a rent or other incorporeal hereditament, I. 110, 111. III. 289
taken away, I. 111
Special,
of heir of tenant *pour autre vie* on death of *cestui que vie*, ib.
an executor can be a special occupant, 111. 113. III. 290
held a trustee for residuary legatee, I. 111
heir preferred to executor in, 113, 114
quasi, may be of incorporeal hereditaments, 113
of a copyhold, 275
fine is payable, 292
of a rent, III. 289
OFFICERS IN THE ARMY AND NAVY,
their pay not assignable before it is due, 117. does not pass to assignees under bankrupt laws, ib.
cannot mortgage their commissions, ib.
Petty,
who are, 117
form of letter for receiving their prize money, prescribed by 45 Geo. III. c. 72. s. 92. ib.
OFFICES,
are incorporeal hereditaments, III. 2. 92
an office described, ib.
are either public or private, ib.
are judicial or ministerial, ib.
the nine great officers of the crown, 93
all public offices must originally have been created by the sovereign, ib.
derived from immemorial usage, ib.
the king (since 34 Ed. I.) cannot erect any new office with new fees without consent of parliament, ib.
nor annex new fees to old offices, ib.
how offices must be granted, 94
by patent when held of the crown, and with all ancient rights, and every thing incident to it, ib.
Offices incident to other superior offices,
what, 93, 94
cannot be granted by the crown, 94
nor reserved on grant of superior office, ib.
must in general be granted by deed duly executed, exception, 94, 95
house or land belonging to an office pass by the grant of the office by deed, 95
when grantable by bishops, are not within the disabling acts, ib.
may be granted on erection of a new bishopric, ib.

OFFICES—*continued.*
ministerial offices may be granted to two persons, III. 97
so may judicial offices where the usage has been to grant them so, 98
effect of death of one of such two grantees, ib.
descent of offices, ib. 351
Estates which may be had in different offices,
estate in fee, or for life of grantee, 98, 99
grant *quamdiu se bene gesserit* gives an estate for life, 99
and *e converso*, ib.
and in grant for life, that condition is implied, ib
estate for years, ib. 100. IV. 61
grantable to a person in trust, III. 99
when acts of majority of *cestuis que trust* bind the rest, 107
estate at will, 100
estate in reversion, ib.
estate tail, 102
estate in dower and by curtesy, ib. 103
what offices may be entailed within the stat. *De Donis*, 102
what offices may be assigned, 103
who may hold offices, 104
grant to an infant of office of skill, when void, ib.
ministerial office exercisable by deputy may be granted to any person, even to women, 105
when exercisable in person, and when by deputy, ib. IV. 61
difference between a deputy and assignee of an office, III. 105, 106
deputy when appointed by coparceners in an office, 106
qualifications, as oaths, &c. necessary for holding offices, 108
offence of selling or buying offices, 109
what offices are within stat. 5 & 6 Ed. 6. ib. 110, 111, 112
what are not, 111
profits of, cannot be assigned, ib.
in courts of K. B. and C. P. cannot be sold, 113
what bargains are not within the statute, 110, 111
where equity will supply its defects, 112
when payment of a fine for not serving will not discharge the party from serving, 109
how lost,
by forfeiture, 113
by accepting an incompatible office, ib. 115
by destruction of the principal office, 116
the king may suspend a public officer, III. 116
but cannot discontinue his salary, ib. 117
with fee, are within the statute of limitations, 453
fines might be levied of offices, V. 132
persons having land annexed to, might be barred by fine and non-claim, 201

ORDERS,
of C. B. respecting dispositions by married women, App. VII. 19. 22. See *Married Women.*
ORIGINAL WRITS,
of fines, V. 71. See *Fine.*
of recoveries, 272. See *Recovery.*
might be amended as to mistakes of the clerk, 354
do not abate on the death of a king or queen, 72, 73
OUSTER,
of the freehold, I. 51, 52
a tenant in common, presumed, after long acquiescence, to have been ousted, II. 403
actual, what, ib. 404.—and see Doe v. Taylor, 5 Bar. & Adol. 575
OUTLAWS,
may be grantors or grantees of copyholds, I. 271, 272
cannot present to livings, III. 21
might levy fines, V. 120
OUTSTANDING TERM, I. 418. 424, &c.
a right to the term by the declaration of the parties, 419
jointress and tenant by curtesy relieved against, 147. 442
satisfied, assigned to a trustee to attend is a bar to the plaintiff in ejectment, not entitled to the possession of it, 414. 442, 443
so where there is an outstanding unsatisfied term, ib.
when presumed to be reconveyed or surrendered, 415, &c. 443, &c. II. 91
effect of purchaser without notice taking an assignment of, as a protection from prior incumbrances, I. 427. II. 63. 170. 174
court of chancery will remove a satisfied outstanding term in favour of a dowress, when, I. 178. 439—441., of a tenant by the curtesy, 147. 442., of a jointress, 205. 442

P.

PAPIST,
cannot present to living, III. 21, 22
PARCELS,
how they should be described in a deed, IV. 265
how in a writ of covenant to levy a fine, V. 134
how described in a declaration of uses, IV. 119
how in a writ of entry to suffer a recovery, V. 340
how in a devise, VI. 174. See *Devise.*
the description of parcels in a writ of covenant to levy a fine might be amended if erroneous, V. 143, 144
the description of parcels in a recovery might be amended if erroneous, 354

PARES CURIÆ,
freemen attending the lord's court to determine disputes arising within his seignory, are, I. 18. III. 121., freeholders became, I. 48., disseisors became, 52

PARK. See *Franchise.*
forfeiture of office by parker, III. 114

PAROCHIAL CLERGY,
entitled to emblements on death, I. 114
but not on resignation, Bulwer v. Bulwer, 2 B. & Ald. 470

PAROL EVIDENCE,
that a provision made for a wife was in bar of dower, Qu. if admissible, 191, 192
admitted to show the intent in cases of resulting uses, 375. 392
admitted to rebut a pretended resulting trust, 392
admitted to show that a purchase was made with trust money, ib. 393
admitted to prove the payment of a debt, II. 91
not admitted to prove that a testator meant his will to remain unrevoked by a subsequent conveyance, VI. 103
admitted in setting aside a will for fraud, 128
not allowed to contradict or vary a written agreement, IV. 44., but see 42, 43., nor a deed, 253., nor a will, VI. 153., except where there is an *ambiguitas latens*, IV. 255. VI. 153

PAROL,
was allowed to demur on account of infancy, V. 238. 426, 427

PARSONAGE,
may be a manor, I. 30. note

PARTIES,
to a deed, IV. 26. 261
names and descriptions of parties, 261
construction of a deed as to the parties, ib. 262
to a fine, V. 115
an error in the names, when amended, 144, 145
how far barred by it, 171
to a recovery, 347
an error in the names would be amended, 354

PARTITION,
of a joint tenancy, II. 384, 385. See *Joint Tenancy.*
of an estate in coparcenary, 394. See *Coparcenary.*
of a tenancy in common, 410. See *Tenancy in Common.*
deed of, IV. 77
implied a warranty, ib.
agreement to make, ib.
does not revoke a devise, VI. 107, 108

PARTNERSHIP, REAL ESTATE. See *Dower.*
PASTURE, IV. 268
common of, III. 65
PEER. See *Dignities.*
PENSIONS,
for future services cannot be assigned, 117
but for past services may, ib.
PEPPER CORN RENT,
sufficient consideration for a lease and release, IV. 116
PERPETUITIES. See *Deed*, construction of,
repugnant to law, II. 6. 232, 233. 295, 296
discouraged both at law and in equity, IV. 330
history of settlements, 332—336
alienation may be restrained during any life or number of lives in being, and nine months and twenty-one years after, 338
but the nine months not allowed, unless gestation exists, 345
The rule against perpetuities applied
to springing and shifting uses, 345
to uses arising from appointments, 346. 350
to declarations of trust of terms for years, 349
but not to remainders after estates tail, ib.
An unborn person:
an estate may be limited by appointment to a person for life who is not born when the deed giving the power was executed, 350
may be made tenant for life, ib. and a vested remainder may be limited on that estate, ib.
no estate can be limited to the issue of an unborn person as a purchaser, ib.
created by act of parliament, ib. 351
cannot be created by will, VI. 149. 370. 380
estate tail of the gift of the crown for services is the only perpetuity grantable without act of parliament, V. 418
PERSONAL PROPERTY, I. 45
cannot be entailed, 73
a bequest of personalty is not a bar of dower, 178. 180
a mortgage is personal property, II. 89
when applied in discharging mortgages. See *Mortgage.*
PEW IN A CHURCH,
prescription for, III. 422. *note* (*a*).
PISCARY, Common of, 71
PLOUGH BOTE, I. 105
POLLARDS,
if lopped, are timber, 117
PORTION OF TITHES, III. 47, 48. 58. 60. 63. See *Tithes.*
mode of proving, 47. n.

POSSESSIO FRATRIS, I. 51. III. 344. 380, 381. 390
when abolished by stat. 3 & 4 Will. 4. c. 106., 342, 343
seisin was necessary to make, III. 344
In the case of
a trust, 350
a remainder or reversion, 380, 381, 382. II. 358, 359
an equity of redemption, 94
an advowson, III. 350
a copyhold, 390
a dignity, 188
a rent reserved on a lease for life, 381, 382
applied to uses, 350
does not apply to descent of estate tail, 386
possession of younger brother not possession of heir, I. 51
POSSESSION,
distinguished from seisin, I. 390
estates in possession, II. 202
possession and right of possession. III. 312—a right of possession equivalent to a right of entry, ib. 436
deeds operating by and without transmutation of, IV. 97, 98
a right of possession passed by a fine at common law, V. 148
of a guardian in socage is the possession of the ward, I. 50. III. 345
of one joint tenant previously to stat. 3 & 4 Will. 4. c. 27. was the possession of all, II. 369. 377. III. 437. V. 227
of one coparcener was the possession of all, II. 392. III. 437. V. 227
of one tenant in common was the possession of all, II. 402. III. 345. V. 227. Exception, II. 403. III. 438
of the lessee for years is the possession of the heir, I. 50. 141. III. 344
of a lessee of a copyhold is the possession of the copyholder, 391
acknowledgment of title in writing is equivalent to, 312
adverse. See *Adverse Possession.*
the descent of a dignity not affected by possession, 188
writ of possession on a fine, V. 94
POSSIBILITY,
is *duplex, remota et propinqua,* II. 230
of entry or *scintilla juris,* 259. 260. See *Scintilla Juris.*
upon a possibility, 232. 366. IV. 350
conjectural, not to be regarded against the presumption of conveyances, I. 416
POST FINE. See *King's Silver.*
POSTHUMOUS CHILDREN,
take as if born, II. 251
what time allowed for their birth, III. 320
are not entitled to the profits received before their births, 330
seisin of, excluded heirs of half blood, 345, &c.

POTATOES, titheable, III. 39. when not, 43.
POVERTY, degradation of a peer for, 183
POWERS,
Of revocation and appointment;
Common law powers were
naked powers or bare authorities, IV. 133
powers coupled with an interest, ib.
difference between these two kinds, ib.
created by devise See *Devise.*
Powers derived from the doctrine of uses, ib.
may be inserted in conveyances, which derive effect from the Statute of Uses, so as to extinguish the uses originally declared, ib.
powers of jointuring, leasing, and charging settled estates with payment of money, are in fact powers of revocation, 134
either relate to the land, or are collateral to it, ib.
relating to the land, (viz. given to some person interested therein,)
what, ib.
are appendant ib.
a general power of appointment may co-exist with the fee under limitation to uses, ib. 135
secus when reserved in conveyances at common law, ib.
or in gross, 135. 235
are favourably expounded, 135
collateral to the land, (viz. given to strangers without interest therein), ib.
powers of sale and exchange given to trustees in a settlement are, ib.
are strictly construed, ib.
in what deeds inserted;
common law powers in every species of deed, ib.
powers derived from doctrine of uses, only in deeds deriving effect from the statute, and operating by transmutation of possession, ib.
semb. may not be inserted, in deeds, not operating by transmutation of possession, ib. 178
may be created without technical words, if the intention be clear, 136
power to charge lands with a sum of money, empowers to charge them with payment of the interest, 137
power to trustees to raise money "out of the rents and profits of lands," empowers them to raise it by sale or mortgage, ib.
aliter if out of the "annual profits," ib.
an infant *in ventre matris* is within a power to charge lands with portions for younger children living at the father's death, ib.

POWERS—*continued.*
Of revocation and appointment:
to revoke uses, II. 294. 299
a power to appoint new uses,
implies a power to revoke former ones, IV. 137
and includes a right to reserve a like new power, 138
unless the power is simply collateral, 139
a power to revoke uses,
semb. implies a power of appointing new ones, 137
To whom powers may be given;
infants
may execute a naked power or bare authority, 139
but not a power relating to his own estate, without express provision that he may execute during his infancy, ib. 140
married women, 142., exception, 144
modern practice, ib.
who may be appointees, 146
a power of appointment does not suspend the vesting of remainders, ib. II. 221
Execution of, by deed or will,
may be restrained by circumstances, IV. 188
where the nature of the instrument is specified it must be adopted, 193., and see 229
and the solemnities prescribed in the power observed, 193
a power given generally may be executed either by deed or will, 194.—but they must be properly executed, 195.—unless the power is collateral, 196
a lease granted for a fine under a power to raise money is good, though the settlement contain a power to lease at the best rent, 207
a will executing a power retains all its properties, 196
the power need not be recited, 197
but the instrument must refer to the estate, 198
a power may be executed by several assurances, 200.—and at different times, and over different parts of the estate, ib.
Appointment under a power,
to limit uses,
conveys the legal estate to the appointee, I. 365
must be to uses which might have been created by the deed giving the power, IV. 346
may be only a revocation *pro tanto*, 201
where a power is exceeded, the excess only is void in equity, 202
otherwise at law ib.
when it may be made to separate use of an object of the power with a general power of appointment, 204

POWERS—*continued.*
Of revocation and appointment:
Appointment under a power,
may give a lesser estate, IV. 205
or direct a sale and appoint the money, 206
when illusory, 207
a power cannot be delegated to another, 211
except as to its formal acts, as signing receipts, &c. ib.
unless there are especial words, ib.
or the power is equivalent to the absolute ownership, 212
an unwarranted condition annexed is void, 204
to persons not objects of the power is void, 202., but see 204. and n.
when an instrument operates as an appointment, 212
is within the register acts, 448
may be made to a person unborn at the creation of the power, 350
effects of execution in barring dower, &c. 219, 220
will not defeat a prior estate, 221
uses arising from the execution of powers of revocation of prior uses, I. 363, 364
an execution of a power relating to the land might be confirmed by fine, V. 185
In what cases equity will support a defective execution, IV. 222
in favour of a wife, ib. 225.—a husband, 225.—children though provided for, 226, 227.—creditors and purchasers for a valuable consideration, as lessees for years, &c. 227, 228
but not for volunteers, 228
where there is fraud, 229
where a complete execution is prevented by accident, ib.
equity will not supply a non-execution, ib.
unless the power in the nature of a trust, 231
a complete execution operates as an extinguishment, 233
vested in bankrupt for his own benefit may be executed by assignees, 232. 238. n.
Power of limiting a jointure,
origin and nature of, 149
is in fact a power of revocation, 134
usual practice as to powers of jointuring, 149
restriction as to *the clear yearly value*, or *clear of taxes*, *&c.* ib.
power to limit a jointure proportioned to the wife's fortune, 154
in a devise of a legal estate, does not prevent the operation of the rule in Shelley's case, VI. 276
Power of leasing by tenants for life,
origin and nature of, IV. 157

POWERS—*continued.*
Power of leasing by tenants for life,
is in fact a power of revocation, IV. 134
construed strictly, and in favour of the remainder-man, &c. 158
a condition in a power of leasing is *precedent*, ib.
qualifications destructive of the power are dispensed with, 160
Restrictions usually annexed,
as to the instrument by which the power is to be executed, 158
as to the lands to be leased, or which have been *usually* let, 159
evidence of usual manner of demising, 160
as to the time when the lease is to commence,
when a lease is said to be in reversion, 164—166
a general power only authorizes leases in possession, 165
unless the estate is reversionary, 167
does not authorize a lease to commence after a subsisting one, 166
but concurrent leases are good under such general power, 169
a lease to commence from the day of date is not in reversion, 165
of powers to lease in reversion, 169, 170
as to the duration of the lease, 170
a shorter term may be granted than that specified by the power, 172
as to the rent to be reserved, ib.
what is the ancient rent, ib.
what is the best rent, 175
how to be reserved, ib.
as to the clauses and covenants, 176
in what conveyances it may be inserted, 135. 178
the lease is void if the power be not well executed, 158
Powers of sale and exchange,
origin and nature of, 179
how given, ib.
what acts they authorise, ib.
how affected by the rule against perpetuities, 181.—and see Waring v. Coventry, 1 Myln. & Keen, 249
Powers simply collateral to land are not barred by any conveyance of the land, 238
Power to commit waste. See *Waste*, I. 127
How powers may be extinguished and destroyed, IV. 233
by a complete execution, ib.
Powers relating to the land may be released, ib.
Powers appendant barred
by feoffment, fine, recovery, bargain and sale, &c. 234
may be suspended or charged, 235
a power to lease not barred by a charge, IV. 235

POWERS—*continued.*
Powers in gross may be released, IV. 237
powers in gross not barred by a conveyance of the land, 235
unless the estates are devested, 236
extinguished by fine, ib. V. 185
Powers simply collateral not barred by any conveyance, 238
nor by fine and non-claim, V. 186, 187. nor by a recovery, 390
a power may be extinguished, IV. 241
a power may be forfeited to the crown by attainder for high treason, 239.—in what case the crown may execute such a power, ib. 240
where there is no object of a power, it becomes void, 241
why powers of revocation, sale, and exchange are given in modern settlements to trustees, 135. 432
a person cannot empower himself to give lands by a will not duly executed, 196. IV. 62
what words in a devise create a power of sale, 360

PRÆMUNIRE, persons incurring its penalties cannot be freeholders, I. 53

PRÆCIPE IN A RECOVERY, was allowed to be amended, V. 354

PREBENDARY,
restrained from waste by a prohibition from the court of chancery, I. 131. See *Ecclesiastics seised Jure Ecclesiæ*, V. 200. 223

PREDIAL TITHES, III. 40

PREMISES OF A DEED, IV. 26. 272, 273

PRESCRIPTION,
origin of, III. 275. 420
is only a usage *in pais*, 423
1st. *prescription to incorporeal hereditaments by immemorial usage:*
how differs from a custom, 422. 430
may be in the person as *e. g.* by a man and his ancestors, or by a body politic and their predecessors, 422
or attached to the ownership of a particular estate, which is called a prescription in a *que* estate, ib.
prescription in a *que* estate
must be laid in the person seised of the fee simple, ib.
nothing can be claimed in, which is not appendant or appurtenant to land, 423
nor if it lies in grant, and cannot pass without deed or fine, 424, 425

PRESCRIPTION—*continued.*
1st. *prescription to incorporeal hereditaments by immemorial usage:*
aliter in case of a personal prescription, III. 425
descent of hereditament prescribed for in a *que* estate, 429
what may be claimed by
only incorporeal hereditaments, and why, 421, 422
and not corporeal ones, 421
nothing that owes its origin to matter of record, 422, 423
nor in general any thing which does not lie in grant, 423
certain franchises, ib.
frank-foldage appendant to the land, ib.
not a court baron, 424
an easement, ib.
tenancy in common, but not joint tenancy, 425
previously to stat. 2 & 3 Will. 4. c. 71. must have been beyond time of memory, or 1 Ric. I. (viz. July 6, A. D. 1189.) 425
must have had a continued usage, 426
must be certain and reasonable, ib.
what prescriptions are void, 427, 428
how it may be lost, 428
descent of prescriptive estates, 429
to a right of inducting, 12
de non decimando, 52
de modo decimandi, 51
to a right of common. See *Common*.
to a right of way. See *Ways*.
to a franchise, 423
to a right of endowment of tithes, 48
prescriptive rights restrained by statutes of limitation, 432
2d. prescription arising from the several statutes of limitation or *negative* prescription. See *Limitation, Statutes of.*
PRESENTATION to a benefice, III. 11. See *Advowson.*
PRESENTMENT,
of the surrender of a copyhold, V. 454
of the forfeiture of a copyhold recommended, but not absolutely necessary, I. 318
PRESUMPTION of reconveyance, I. 415
PRESUMPTIVE HEIR, III. 328
PRIMA TONSURA, I. 264, 265. See *Herbage.*
PRIMER FINE, or PREFINE, V. 72
PRIMER SEISIN, I. 26. 40
PRIMOGENITURE, right of,
takes place amongst males, III. 332
formerly took place amongst females as to dignities, 189

PRIVATE ACT,
origin of, V. 2
is an act which concerns only a particular species, or thing, or person, ib. and instances, ib. 3
every act, though the matter thereof concerns *single* things, yet if it touches the king, is a public act, 3
there may be a private clause in a public act, ib.
must be specially pleaded except a public clause be inserted, ib.
estate act, what, 4
cases in which obtainable, ib. 5
inclosure act, 5, 6.—and see 1 & 2 G. 4. c. 23. s. 2
mode of passing, 6
general saving in, of the rights of the crown and all private persons, 7. must be expounded so as to be rendered consistent with the body of the act, 17, 18
effect of, 17—23
standing orders in Dom. Proc. respecting private acts, 28. &c.
operation of, is as effective as that of a public act, 7
except as to strangers, ib.
how far every one is a party to, 8
bars an estate tail and all remainders over, though the rights of the remainder-men, &c. are not excepted in the saving, ib. 9, 10
but not a remainder-expectant on an estate for life, 11
is construed in the same manner as conveyances deriving effect from the common law, viz. according to the intention of the parties, 12. 15
a recital in, as to the construction of a deed also recited therein, does not bind the parties, 17
may be relieved against if obtained by fraud, 23

PRIVITY,
meaning of the word, 157
who are privies under the statute 4 Hen. 7. c. 24., ib.
between a tenant for years and a remainder-man, II. 303
between a lessor and lessee, and their assignees, IV. 376
between a surrenderor and a surrenderee, 87
privity in blood, under the statute 4 Hen. 7. c. 24., V. 157
privity of contract and estate, IV. 376
Of estate,
requisite to a use, I. 339, 340
not necessary between a *cestui que* trust and his trustee, 406
between tenant at will and the owner of the estate, 243
between tenant from year to year and his lessor, 246
between a releasor and a releasee, IV. 79, 80

PRIVY SEAL, recoveries by infants by, V. 349

PROCLAMATIONS,
for an heir of a copyholder to be admitted, must be proved *vivâ voce*, I. 313
of fines, V. 90. See *Fine*.
PROFITS,
grant of profits of lands, with livery, passes the land, IV. 267, 268
PROPERTY,
division into real and personal, I. 45
real is corporeal or incorporeal, ib. See *Title to Real Property*.
when a rent service becomes personalty, III. 283
PROTECTION,
writ of, II. 49
PROTECTOR OF SETTLEMENT, under 3 & 4 Will. 4. c. 74
who is, I. 93, 94
lessee cannot be, 94
nor tenant in dower, ib.
nor bare trustee, ib.
nor an alien, ib.
who may appoint, ib.
mode of appointing, ib
deed by which appointment made must be enrolled, 95
when Lord Chancellor is, ib.
not subject to any control, 96
Consent of,
how given, 95—97
when necessary to enable tenant in tail to alien, 95
or to enlarge a base fee, 96
where considered absolute, ib.
not revocable, ib.
deed by which given, must be inrolled, 97
PROVISO,
an estate for years may be made determinable by, I. 227. IV. 60
for trustees' indemnity, I. 455
for appointing new trustees, 460
restraining an equity of redemption is void, II. 69, 70
for shifting an estate, 267
that a person shall take a certain name and arms, ib.
the word *proviso* creates a condition in a deed, IV. 352
PURCHASE,
title by, III, 317. 396. IV. 3
distinguished from descent, III. 397
words of purchase distinguished from words of limitation, IV. 275. 312. 328
settlor takes by, when estate limited to his heirs in any assurance after 31st December, 1833, I. 374

PURCHASER,
description of, III. 336
descent must be traced from, ib.
of crown debtor's estate, is discharged by payment of purchase money into the exchequer, I. 62 63.
for valuable consideration without notice,
protected from all mesne incumbrances by a term attendant, 427, 428
statute recognizance or judgment, II. 63
except against crown debts, I. 429. IV. 421
and from dower with notice of the marriage, I. 429
where bound to see trusts performed by proper application of the purchase-money, I. 450. where not, 451
notice of a trust makes a purchaser a trustee, 450
where not, ib.
where the receipt of the trustee is sufficient, and where not, 453
may redeem a mortgage without paying a bond debt, II. 107
without notice, may tack a mortgage to a prior incumbrance, 170
who are purchasers under the statute 27 Eliz. c. 4., IV. 433
what conveyances are void as against purchasers. See *Deed.*
every lessee for years is a, by his contract and covenants, I. 403

PURLIEU, III. 245

Q.

QUAKER,
relieved against forfeiture of copyhold for not doing suit and service in lord's court, I. 321

QUALIFIED, OR BASE FEE. See *Estate in Fee Simple.*

QUALITY of estates distinguished from quantity, VI. 475

QUARRIES,
not titheable of common right, III. 45
recoveries could not be suffered of them, V. 340

QUEEN,
Queen consort,
entitled to dower although an alien, I. 159
could not be seised to a use, 340, 341
is a *feme sole*, and may convey by deed, IV. 12, 13. 18
might levy a fine, V. 116
may devise real property, VI. 13
Queen regnant,
cannot be seised to any use but her own, I. 340. 349, 350
cannot convey by bargain and sale, IV. 99.—by covenant to stand seised, 107.—or by lease and release, 115

QUIA EMPTORES, I. 22. IV. 5
statute of, passed A. D. 1290, I. 22
on sales of lands, feoffee shall hold of the chief lord of the fee, ib.
but when less than the fee-simple is transferred, tenant in tail holds of donor, 72
or of a stranger, alienee of donor's reversion, ib.
but if tenant in tail has the reversion in fee, he holds of the chief lord, ib.

QUIET ENJOYMENT,
Covenant for,
is implied in a lease by the words *grant* or *demise*, IV. 369. 373
but determines with estate of lessor, 369
may be qualified by terms of express covenant, 370

QUIT RENTS,
nature of, III. 274
are deducted from the fines payable on copyholds, I. 302
equity decrees satisfaction of arrears of, when, III. 288. 299. 300
if an incumbrance, IV. 380
are within the statute of limitations, III. 296. 455, 456

R.

RABBITS, III. 75
property in, *ratione soli*, 249. 253

RECITAL,
in a deed, IV. 26.—how construed, 263, 264
of a lease in a deed of release, is good evidence against releasor, 114
of a power, not required in the execution of it, 197
in a will, does not operate as a devise, VI. 158

RECOGNIZANCE. See *Estate by Statute, &c.* II. 40. 41
described and distinguished from a bond, IV. 95
form of, ib.
allowed priority over a bond, ib.
on what lands a lien, ib.
satisfaction of, ib.
not enrolled, is considered as a bond, ib.
is assignable in equity, ib. 96
defeazance of, its effects, 96

RECONVEYANCE,
on breach of condition, II. 32
of an outstanding term, when presumed, I. 415. 443. &c. II. 91

RECORD,
alienation by matter of record, V. 1.
matter of record distinguished from a thing recorded, IV. 462

RECORD—*continued.*
debts of record. See *Debts.*
no evidence allowed to contradict a record, V. 84, 85. 237. 427
the record of a fine levied in one term, was not allowed to be altered to another term, 146
execution of a recovery must appear on record, 333
might be amended during the term in which made, 234
RECOVERY,
origin of, V. 268
how suffered, 270
the voucher might be double, treble, &c. 271
when completed, ib.
passed a fee-simple without the word heirs, 320
requisites of, stated, 272
The writ of entry,
why always in the post, 273
fines due to the king on it, ib.
recovery suffered without an original, was only voidable, ib.
construed more favourably than in an adversary suit. ib.
rule of court, ib.
might be amended, 354, 356
how the parcels should have been described, 340
The tenant to the præcipe
must have had the freehold, 274
and if he had not, he could not suffer the recovery, 277
if he had the freehold when the recovery was suffered, the recovery was good, though his estate was afterwards defeated, 274, 275
an alien was a good tenant to the præcipe, until office found, 275, 347
a person having an estate of freehold limited after a devise to executors, for and until payment of debts, might make a good tenant to the præcipe, 275
a title to dower before assignment was no impediment to a recovery, 276
at what time the tenant must have had the freehold, 277, 278
any time before judgment in the recovery was sufficient, 278
or within the term, great sessions, or assizes in which the recovery was suffered, 279
the freehold of the tenant must have been in possession, 281
leases for lives need not have been surrendered, ib.
but persons having a prior estate for life, must have joined or surrendered it, 282
to whom it must have been surrendered, ib.
a surrender sometimes presumed, 283
collateral evidence of a surrender admitted, ib.
a surrender not presumed without sufficient grounds, 284

RECOVERY—*continued.*
The tenant to the præcipe:
a person having an equitable interest might make a good tenant to the præcipe, so as to suffer an equitable recovery V. 385, 386
where, after a recovery, the tenant for life suppressed the deed, a surrender would be presumed, 283·
made by what conveyances,
by fine, 290
the cognizee must have taken a freehold, 291
a declaration of uses not necessary, ib.
an eviction of the tenant subsequent to the recovery, will not invalidate it, 290
a husband seised *jure uxoris* might make a tenant to the præcipe without fine, 292
by feoffment, 293.—when such feoffment operated by disseisin, ib.
by grant, 309
by bargain and sale enrolled, ib.
by lease and release, 310
a recovery good after 20 years, though the deeds to make a tenant to the præcipe are lost, ib.
a recovery sometimes good without a tenant to the præcipe, ib.
where an infant suffered a recovery, he must have made a tenant to the præcipe by feoffment, and have given livery of seisin in person, 350. IV. 49
tenant to the præcipe in a prior defective recovery not a necessary party in a new recovery. App. VII. 17.
Voucher, V. 270
nature of 311
may be double, treble, &c. 271
situation of the vouchee after entering into warranty. 312
voucher in person and by attorney, ib.
form of the entry and warrant of attorney, ib. 313
rules of court respecting the warrant of attorney, 314
Writ of *summoneas ad warrantizandum*, 317
should bear date before the warrant of attorney, 318
number and times of the returns, ib.—how far the court of common pleas would enlarge the return, ib.
effect of joint voucher in barring an entail, 374—380. See, farther on, *Effects of a Recovery in barring Estates Tail.*
a recovery without voucher did not bar the issue in tail, 375
what estates might be barred by a recovery, with single, double, and treble voucher, ib.
in what case the death of a recoveree before judgment would make the recovery void, 320. 326

RECOVERY—*continued.*
Voucher:
reason of the different effects of single, double, and treble voucher, V. 375
when incapacity in the vouchee could be assigned for error, 427
a release of errors from the common vouchee, was no bar to a writ of error, 438
Judgment,
nature of, 320
form of entry on the record, ib.
passed a fee simple to demandant, without the word *heirs*, ib.
when void for being premature, ib.
if any of the parties died before judgment, the recovery was void, ib.
it related to the return day of the writ of entry, and not to the first day of term, ib.
but could not relate to a Sunday, 328
a mistake in the entry allowed to be amended, 357
Execution,
nature of, 332
writ of *habere facias seisinam*, ib.
when it should bear date, ib.
might be amended, as also the return, 357
might be had against the heir, 333
must have appeared on record, ib.
all the proceedings might be enrolled, 335
after twenty years, the deeds to make a tenant to the præcipe are sufficient proof of a recovery, 336
In what courts it might be suffered,
court of common pleas, 338.—rules of court, 273. 314
of the counties of Lancaster and Durham, 338
of the county of Chester and city, ib.
of great sessions in Wales, 339
of hustings in London, ib.
copyhold courts, ib.
ancient demesne, ib.
Of what things a recovery might be suffered,
every thing whereof a writ of covenant or entry lay, 339
of an undivided part, as well as the whole, ib.
rents issuing out of lands, ib.
advowsons in gross, 340
a contingent remainder, II. 333
tithes impropriate, and other ecclesiastical profits, V. 340
how a recovery affected a rent, 374
not of a fishery, &c. 340
nor of an annuity charged on personal estate, ib.
nor of common of pasture or estovers, ib.

RECOVERY—*continued.*
Of what things a recovery might be suffered:
nor of things not in demesne, but in profit, V. 340
by what descriptions, ib.
Who might suffer recoveries, 347
aliens, ib. 275
a married woman might have joined her husband in, IV. 128. V. 347.—she should have been privately examined, ib.—rule of court respecting, ib.
where a married woman, having the trust of a term, joined in a recovery of the land, she was barred of her claim, 383. 384
tenant for life, with estate in remainder in tail in himself, 398
Who were disabled from suffering recoveries:
the king, 348
persons attainted, ib.
an infant should not have been permitted to suffer a recovery, ib.—as such recovery could be avoided only during his minority, ib.
infants formerly suffered recoveries by privy seal, 349
an infant trustee might join in a recovery under the direction of the court of chancery, 350
where an infant suffered a recovery, he must have made a tenant to the *præcipe* by feoffment, and have given livery in person, ib. IV. 49
idiots or lunatics should not have been allowed to suffer recoveries, as such recoveries could not be reversed, V. 351
tenants for life, ib.—a tenant for life might join with the remainder-man or reversioner, 352
who might take by recovery, ib.
Women seised of dower or jointure,
stat. 11 Hen. 7. c. 20. 408
who are jointresses within this statute, 409
a trust or equity of redemption is within the statute, 410
what estates are not within the statute, ib.
Husbands seised *jure uxoris*, 413
stat. 32 Hen. 8. c. 28. s. 6. ib.
what persons and estates are within the statute, ib. 414
Amendment of recoveries, 353
the writ of entry amended, 354
a mistake in the names of the parties amended, ib.
the description of parcels amended, 355
a mistake of the clerk in the judgment amended, 357
a mistake in the writ of seisin, and return thereof amended, ib.
there must have been an evident mistake of the clerk, or something to amend by, 358
case in which amendment would not have been allowed, ib.

RECOVERY—*continued.*

Amendment of recoveries:

amendment not allowed on affidavit only, V. 359

nor on the last day of term, ib.

not now necessary if error be apparent from the deed making the tenant to the *præcipe*, 353, 354

Effect of a recovery in barring estates tail:

a recovery barred an entail, I. 92. V. 364

the issue in tail not barred by a recovery, operating by way of estoppel, unless there was a tenant to the *præcipe*, 310

ancient modes of barring entails, 360

a recovery barred the issue in tail, although the tenant in tail died before the recovery was executed, 365

erroneous recovery suffered by tenant in tail, barred his issue while it was in force, ib.

a tenant in tail who covenanted to stand seised to certain uses, might suffer a valid recovery to other uses, ib.

a tenant in tail in remainder might join with a tenant for life in a recovery, 367

effect of joint vouchers:

where a *præcipe* was brought against a man and his wife, the husband being sole tenant in tail, and both vouched, 366

where a præcipe was brought against a tenant for life, and a remainder-man jointly, and both vouched, ib.

effect of sole voucher,

where two persons, joint tenants for life, remainder to one in tail, who alone was vouched, 369

where an estate was limited to husband and wife, and the heirs of their bodies, and husband alone vouched, 370. 378

a recovery barred all remainders and reversions, and all charges thereon, 371

a tenant in tail who was disseised, and released to the disseisor, might still have barred the entail, remainders, and reversion by recovery, 372

a tenant in tail who levied a fine with proclamations, might still have barred the remainders and reversion by recovery, 373

—Qu. whether the issue of such tenant in tail could have barred the remainders and reversion by recovery, ib.

effect of a recovery by an attainted tenant in tail, ib.

an entail of a rent charge might have been barred, 374

effect of recoveries with single and double voucher, ib. 375

the power of suffering a recovery could not be restrained, 381

an heir in tail when disinherited by a recovery was allowed to inspect title-deeds, 382

a recovery by a tenant in tail barred all collateral conditions subsequent to the estate tail, 390

RECOVERY—*continued.*
Effect of a recovery in barring estates tail:
a recovery by a tenant in tail let in incumbrances, V. 396.—and confirmed conveyances and settlements made by him, ib. 397
Estates tail granted by the crown as rewards for services, where the reversion was in the crown,
could not, by stat. 34 & 35 Hen. 8. c. 20., be barred by recoveries, IV. 350, 351. V. 374. 414
construction of the statute, 415
no alteration of the limitations would enable the tenant to bar his issue or the reversion, 421
where lands were conveyed to the crown for the purpose of getting a re-conveyance in tail, such estate tail was not protected by the statute, 418
the estate tail must have been a reward for services, ib. 374
ancient mode of acquiring a good title to an estate tail, of which the remainder or reversion was in the crown, 421
usual mode now adopted, 423
Effects of a recovery in barring particular persons, estates, and interests:
operation of, how different from that of a fine, 383
barred all parties except infants, where the reversal was during the minority, ib.
married women, ib.
a recovery suffered by husband and wife would bar dower, I. 177. V. 384.—and jointure, I. 208
a recovery by a husband alone would not bar dower, V. 384
trust or equitable entailed estates, I. 407. V. 374. 384
an equitable recovery would not in general operate on a legal estate or remainder, 388.—Exception, 389
there must have been an equitable tenant to the *præcipe*, 385
what estate necessary, ib. 388
Powers,
a recovery barred a power appendant or in gross, 389
a recovery operated as an extinguishment of a power relating to the land, whether appendant or in gross, IV. 234. 236.—but not of a power simply collateral, 238. V. 390
conditions and conditional limitations when suffered by a tenant in tail, ib.
contingent remainders, 393
a writ of error to reverse an erroneous fine, 240. 394
was an estoppel on record, 396
let in prior incumbrances of tenant in tail, ib.
confirmed a preceding conveyance by a tenant in tail, 397
its effects in letting in incumbrances different from those of a fine, 398

RECOVERY—*continued.*
was a revocation of a devise, V. 398. VI. 96
created a forfeiture when suffered by tenant for life, V. 398
did not alter the descent, 399
exception, 402,—might alter the descent of an estate tail, III. 341
What persons, estates, and interests, were not barred by a recovery;
none but those persons who were parties, issue in tail, remaindermen, &c. V. 407
estates precedent in limitation to that of which the recovery was suffered, ib.
estates in dower or jointures, 408
estates held *jure uxoris*, 413
estates tail granted by the crown for services, 414
reversions vested in the crown, 422
estates by statute merchant, *elegit*, &c. II. 55. V. 423
executory devises, when, ib. VI. 369. & n.
How reversed:
writ of error, V. 424
must be brought in the king's bench, unless the error is in the process, ib.
when brought on a judgment given in a court of great session in Wales, is returnable in K. B. ib.
who may bring a writ of error, 424, 425
the right to bring a writ of error descends to the person to whom the lands would have gone, 425. does not pass to the crown on an attainder for treason, ib.
there ought to be a writ of *scire facias*, 426
what may be assigned for error, 427
nothing that contradicts the record, ib.
when the incapacity of a vouchee may be assigned for error, ib. 428
the parol might demur on account of the infancy of the tenant, 426, 427
must be brought within twenty years, 438
how it may be barred, ib.
not barred by a release of errors from the common vouchee, 439
writ of deceit, for recovery of lands held in ancient demesne, ib.
writ of false judgment, 440
How falsified;
by entry and plea, 443
by action, ib.
by action and plea, ib.
by plea only, ib.
by trial in ejectment, ib.
by a tenant for years, ib.

RECOVERY—*continued.*
How falsified,
a court of equity will invalidate a recovery obtained by fraud or imposition, V. 444.—will restrain the operation of a recovery to the purposes for which it was intended, ib.
previously to stat. 3 & 4 Will. 4. c. 74. might operate as a discontinuance of an estate tail, I. 78
the right of suffering a recovery could not be restrained, V. 381
a covenant from a tenant in tail not to suffer a recovery was held to bind his assets, 382
a bond from a tenant in tail not to suffer a recovery was held good, II. 6
Recovery of a copyhold in the manor court, V. 477
usual mode of suffering it, 478
a tenant for life of a copyhold did not forfeit his estate by suffering a recovery, ib.
a recovery upon a plaint in the nature of a real action was a discontinuance, and took away the entry of the heir in tail, ib.
how reversed, 242. 440, 441
a custom of barring the entails of copyholds by recovery was good, 481
Recoveries of customary freeholds, 478
how a recovery of ancient demesne lands might be reversed, 439
deed to lead the uses of a recovery, IV. 120
deed to declare the uses of a recovery, 125
to what uses a recovery enured where there was no declaration, I. 378
abolition of, 79. 92, 93

RECTORY, meaning of the word, and its force in a writ of covenant, V. 134

REDDENDUM OF A DEED, IV. 26
of what thing, by what words, and to whom made, 352

REDEMPTION, Equity of. See *Mortgage.*

RE-ENTRY,
Condition for, by lessor, if tenant for years alien is good, II. 7. See *Condition.*

REGISTER ACTS. See *Deed.*
statutes, judgments, and recognizances must in some places be registered, II. 45, 46
a will may be registered, VI. 9, 10

RELATION,
the different parts and ceremonies of a conveyance relate to each other, V. 461
a judgment in a recovery relates to the return day of the writ, 320

RELATION—*continued.*
the admittance of a copyholder relates to the surrender, V. 457
a bargain and sale relates to the time of enrolment, IV. 103
RELEASE. See *Lease and Release, Surrender.*
origin and description of, 77
is a conveyance of a right of possession to a person in possession, 78
operative words, ib. 251
may have effect as a surrender, 85
of all demands, 78
enuring by way of *mitter l'estate*, ib.
enuring by way of *mitter le droit*, 79
gives a fee simple without the word "heirs," 278, 279
enuring by way of enlargement, 79. See *Confirmation.*
requires the same technical words of limitation as feoffments or grants, 81
there must be a privity of estate between releasor and releasee, 79, 80. 82
there must be a possession in the releasee, as *e. g.* releasee, if tenant for years by common law demise, must have entered, 80
enuring by way of extinguishment, 81
what may be released and to whom, ib. 82
not a bare authority nor power collateral, 82
may operate as a grant of a reversion in order to effectuate the parties' intention, 250
what words in, will pass leasehold lands, 269
a release may be to uses, 116
a release may contain powers, 135
will extinguish a power, 233
will not bar a power simply collateral, 238
construction of, 245
a demandant might release to the vouchee in a recovery, V. 312
a release of errors from the common vouchee will not bar a writ of error, 438
effect of a release of rights to a copyholder in possession, 491
is the proper mode of conveyance between joint tenants, and severs the jointure, II. 382, &c.
release of a right of common, III. 81, or of all actions after twenty years possession, 436
a rent may be reserved in a release, 276
a release of a copyhold to the lord is an extinguishment, I. 325
RELIEFS,
nature of, I. 16. 25
REMAINDER. See *Estate in possession and Expectancy. Reversion.*
is the first kind of estate in expectancy, II. 202

PROCLAMATIONS,
for an heir of a copyholder to be admitted, must be proved *vivâ voce*, I. 313
of fines, V. 90. See *Fine*.
PROFITS,
grant of profits of lands, with livery, passes the land, IV. 267, 268
PROPERTY,
division into real and personal, I. 45
real is corporeal or incorporeal, ib. See *Title to Real Property*.
when a rent service becomes personalty, III. 283
PROTECTION,
writ of, II. 49
PROTECTOR OF SETTLEMENT, under 3 & 4 Will. 4. c. 74
who is, I. 93, 94
lessee cannot be, 94
nor tenant in dower, ib.
nor bare trustee, ib.
nor an alien, ib.
who may appoint, ib.
mode of appointing, ib
deed by which appointment made must be enrolled, 95
when Lord Chancellor is, ib.
not subject to any control, 96
Consent of,
how given, 95—97
when necessary to enable tenant in tail to alien, 95
or to enlarge a base fee, 96
where considered absolute, ib.
not revocable, ib.
deed by which given, must be inrolled, 97
PROVISO,
an estate for years may be made determinable by, I. 227. IV. 60
for trustees' indemnity, I. 455
for appointing new trustees, 460
restraining an equity of redemption is void, II. 69, 70
for shifting an estate, 267
that a person shall take a certain name and arms, ib.
the word *proviso* creates a condition in a deed, IV. 352
PURCHASE,
title by, III, 317. 396. IV. 3
distinguished from descent, III. 397
words of purchase distinguished from words of limitation, IV. 275. 312. 328
settlor takes by, when estate limited to his heirs in any assurance after 31st December, 1833, I. 374

PURCHASER,
description of, III. 336
descent must be traced from, ib.
of crown debtor's estate, is discharged by payment of purchase money into the exchequer, I. 62 63.
for valuable consideration without notice,
protected from all mesne incumbrances by a term attendant, 427, 428
statute recognizance or judgment, II. 63
except against crown debts, I. 429. IV. 421
and from dower with notice of the marriage, I. 429
where bound to see trusts performed by proper application of the purchase-money, I. 450. where not, 451
notice of a trust makes a purchaser a trustee, 450
where not, ib.
where the receipt of the trustee is sufficient, and where not, 453
may redeem a mortgage without paying a bond debt, II. 107
without notice, may tack a mortgage to a prior incumbrance, 170
who are purchasers under the statute 27 Eliz. c. 4., IV. 433
what conveyances are void as against purchasers. See *Deed.*
every lessee for years is a, by his contract and covenants, I. 403
PURLIEU, III. 245

Q.

QUAKER,
relieved against forfeiture of copyhold for not doing suit and service in lord's court, I. 321
QUALIFIED, OR BASE FEE. See *Estate in Fee Simple.*
QUALITY of estates distinguished from quantity, VI. 475
QUARRIES,
not titheable of common right, III. 45
recoveries could not be suffered of them, V. 340
QUEEN,
Queen consort,
entitled to dower although an alien, I. 159
could not be seised to a use, 340, 341
is a *feme sole*, and may convey by deed, IV. 12, 13. 18
might levy a fine, V. 116
may devise real property, VI. 13
Queen regnant,
cannot be seised to any use but her own, I. 340. 349, 350
cannot convey by bargain and sale, IV. 99.—by covenant to stand seised, 107.—or by lease and release, 115

QUIA EMPTORES, I. 22. IV. 5
statute of, passed A. D. 1290, I. 22
on sales of lands, feoffee shall hold of the chief lord of the fee, ib.
but when less than the fee-simple is transferred, tenant in tail holds of donor, 72
or of a stranger, alienee of donor's reversion, ib.
but if tenant in tail has the reversion in fee, he holds of the chief lord, ib.

QUIET ENJOYMENT,
Covenant for,
is implied in a lease by the words *grant* or *demise*, IV. 369. 373
but determines with estate of lessor, 369
may be qualified by terms of express covenant, 370

QUIT RENTS,
nature of, III. 274
are deducted from the fines payable on copyholds, I. 302
equity decrees satisfaction of arrears of, when, III. 288. 299. 300
if an incumbrance, IV. 380
are within the statute of limitations, III. 296. 455, 456

R.

RABBITS, III. 75
property in, *ratione soli*, 249. 253

RECITAL,
in a deed, IV. 26.—how construed, 263, 264
of a lease in a deed of release, is good evidence against releasor, 114
of a power, not required in the execution of it, 197
in a will, does not operate as a devise, VI. 158

RECOGNIZANCE. See *Estate by Statute, &c.* II. 40. 41
described and distinguished from a bond, IV. 95
form of, ib.
allowed priority over a bond, ib.
on what lands a lien, ib.
satisfaction of, ib.
not enrolled, is considered as a bond, ib.
is assignable in equity, ib. 96
defeazance of, its effects, 96

RECONVEYANCE,
on breach of condition, II. 32
of an outstanding term, when presumed, I. 415. 443. &c. II. 91

RECORD,
alienation by matter of record, V. 1.
matter of record distinguished from a thing recorded, IV. 462

RECORD—*continued.*
debts of record. See *Debts.*
no evidence allowed to contradict a record, V. 84, 85. 237. 427
the record of a fine levied in one term, was not allowed to be altered to another term, 146
execution of a recovery must appear on record, 333
might be amended during the term in which made, 234
RECOVERY,
origin of, V. 268
how suffered, 270
the voucher might be double, treble, &c. 271
when completed, ib.
passed a fee-simple without the word heirs, 320
requisites of, stated, 272
The writ of entry,
why always in the post, 273
fines due to the king on it, ib.
recovery suffered without an original, was only voidable, ib.
construed more favourably than in an adversary suit. ib.
rule of court, ib.
might be amended, 354, 356
how the parcels should have been described, 340
The tenant to the præcipe
must have had the freehold, 274
and if he had not, he could not suffer the recovery, 277
if he had the freehold when the recovery was suffered, the recovery was good, though his estate was afterwards defeated, 274, 275
an alien was a good tenant to the præcipe, until office found, 275, 347
a person having an estate of freehold limited after a devise to executors, for and until payment of debts, might make a good tenant to the præcipe, 275
a title to dower before assignment was no impediment to a recovery, 276
at what time the tenant must have had the freehold, 277, 278
any time before judgment in the recovery was sufficient, 278
or within the term, great sessions, or assizes in which the recovery was suffered, 279
the freehold of the tenant must have been in possession, 281
leases for lives need not have been surrendered, ib.
but persons having a prior estate for life, must have joined or surrendered it, 282
to whom it must have been surrendered, ib.
a surrender sometimes presumed, 283
collateral evidence of a surrender admitted, ib.
a surrender not presumed without sufficient grounds, 284

RECOVERY—*continued.*
The tenant to the præcipe:
a person having an equitable interest might make a good tenant to the præcipe, so as to suffer an equitable recovery V. 385, 386
where, after a recovery, the tenant for life suppressed the deed, a surrender would be presumed, 283·
made by what conveyances,
by fine, 290
the cognizee must have taken a freehold, 291
a declaration of uses not necessary, ib.
an eviction of the tenant subsequent to the recovery, will not invalidate it, 290
a husband seised *jure uxoris* might make a tenant to the præcipe without fine, 292
by feoffment, 293.—when such feoffment operated by disseisin, ib.
by grant, 309
by bargain and sale enrolled, ib.
by lease and release, 310
a recovery good after 20 years, though the deeds to make a tenant to the præcipe are lost, ib.
a recovery sometimes good without a tenant to the præcipe, ib.
where an infant suffered a recovery, he must have made a tenant to the præcipe by feoffment, and have given livery of seisin in person, 350. IV. 49
tenant to the præcipe in a prior defective recovery not a necessary party in a new recovery. App. VII. 17.
Voucher, V. 270
nature of 311
may be double, treble, &c. 271
situation of the vouchee after entering into warranty. 312
voucher in person and by attorney, ib.
form of the entry and warrant of attorney, ib. 313
rules of court respecting the warrant of attorney, 314
Writ of *summoneas ad warrantizandum*, 317
should bear date before the warrant of attorney, 318
number and times of the returns, ib.—how far the court of common pleas would enlarge the return, ib.
effect of joint voucher in barring an entail, 374—380. See, farther on, *Effects of a Recovery in barring Estates Tail.*
a recovery without voucher did not bar the issue in tail, 375
what estates might be barred by a recovery, with single, double, and treble voucher, ib.
in what case the death of a recoveree before judgment would make the recovery void, 320. 326

RECOVERY—*continued.*
Voucher:
reason of the different effects of single, double, and treble voucher, V. 375
when incapacity in the vouchee could be assigned for error, 427
a release of errors from the common vouchee, was no bar to a writ of error, 438
Judgment,
nature of, 320
form of entry on the record, ib.
passed a fee simple to demandant, without the word *heirs*, ib.
when void for being premature, ib.
if any of the parties died before judgment, the recovery was void, ib.
it related to the return day of the writ of entry, and not to the first day of term, ib.
but could not relate to a Sunday, 328
a mistake in the entry allowed to be amended, 357
Execution,
nature of, 332
writ of *habere facias seisinam*, ib.
when it should bear date, ib.
might be amended, as also the return, 357
might be had against the heir, 333
must have appeared on record, ib.
all the proceedings might be enrolled, 335
after twenty years, the deeds to make a tenant to the præcipe are sufficient proof of a recovery, 336
In what courts it might be suffered,
court of common pleas, 338.—rules of court, 273. 314
of the counties of Lancaster and Durham, 338
of the county of Chester and city, ib.
of great sessions in Wales, 339
of hustings in London, ib.
copyhold courts, ib.
ancient demesne, ib.
Of what things a recovery might be suffered,
every thing whereof a writ of covenant or entry lay, 339
of an undivided part, as well as the whole, ib.
rents issuing out of lands, ib.
advowsons in gross, 340
a contingent remainder, II. 333
tithes impropriate, and other ecclesiastical profits, V. 340
how a recovery affected a rent, 374
not of a fishery, &c. 340
nor of an annuity charged on personal estate, ib.
nor of common of pasture or estovers, ib.

RECOVERY—*continued.*
Of what things a recovery might be suffered:
nor of things not in demesne, but in profit, V. 340
by what descriptions, ib.
Who might suffer recoveries, 347
aliens, ib. 275
a married woman might have joined her husband in, IV. 128. V. 347.—she should have been privately examined, ib. —rule of court respecting, ib.
where a married woman, having the trust of a term, joined in a recovery of the land, she was barred of her claim, 383. 384
tenant for life, with estate in remainder in tail in himself, 398
Who were disabled from suffering recoveries:
the king, 348
persons attainted, ib.
an infant should not have been permitted to suffer a recovery, ib.—as such recovery could be avoided only during his minority, ib.
infants formerly suffered recoveries by privy seal, 349
an infant trustee might join in a recovery under the direction of the court of chancery, 350
where an infant suffered a recovery, he must have made a tenant to the *præcipe* by feoffment, and have given livery in person, ib. IV. 49
idiots or lunatics should not have been allowed to suffer recoveries, as such recoveries could not be reversed, V. 351
tenants for life, ib.—a tenant for life might join with the remainder-man or reversioner, 352
who might take by recovery, ib.
Women seised of dower or jointure,
stat. 11 Hen. 7. c. 20. 408
who are jointresses within this statute, 409
a trust or equity of redemption is within the statute, 410
what estates are not within the statute, ib.
Husbands seised *jure uxoris*, 413
stat. 32 Hen. 8. c. 28. s. 6. ib.
what persons and estates are within the statute, ib. 414
Amendment of recoveries, 353
the writ of entry amended, 354
a mistake in the names of the parties amended, ib.
the description of parcels amended, 355
a mistake of the clerk in the judgment amended, 357
a mistake in the writ of seisin, and return thereof amended, ib.
there must have been an evident mistake of the clerk, or something to amend by, 358
case in which amendment would not have been allowed, ib.

RECOVERY—*continued.*

Amendment of recoveries:

amendment not allowed on affidavit only, V. 359

nor on the last day of term, ib.

not now necessary if error be apparent from the deed making the tenant to the *præcipe*, 353, 354

Effect of a recovery in barring estates tail:

a recovery barred an entail, I. 92. V. 364

the issue in tail not barred by a recovery, operating by way of estoppel, unless there was a tenant to the *præcipe*, 310

ancient modes of barring entails, 360

a recovery barred the issue in tail, although the tenant in tail died before the recovery was executed, 365

erroneous recovery suffered by tenant in tail, barred his issue while it was in force, ib.

a tenant in tail who covenanted to stand seised to certain uses, might suffer a valid recovery to other uses, ib.

a tenant in tail in remainder might join with a tenant for life in a recovery, 367

effect of joint vouchers:

where a *præcipe* was brought against a man and his wife, the husband being sole tenant in tail, and both vouched, 366

where a præcipe was brought against a tenant for life, and a remainder-man jointly, and both vouched, ib.

effect of sole voucher,

where two persons, joint tenants for life, remainder to one in tail, who alone was vouched, 369

where an estate was limited to husband and wife, and the heirs of their bodies, and husband alone vouched, 370. 378

a recovery barred all remainders and reversions, and all charges thereon, 371

a tenant in tail who was disseised, and released to the disseisor, might still have barred the entail, remainders, and reversion by recovery, 372

a tenant in tail who levied a fine with proclamations, might still have barred the remainders and reversion by recovery, 373

—Qu. whether the issue of such tenant in tail could have barred the remainders and reversion by recovery, ib.

effect of a recovery by an attainted tenant in tail, ib.

an entail of a rent charge might have been barred, 374

effect of recoveries with single and double voucher, ib. 375

the power of suffering a recovery could not be restrained, 381

an heir in tail when disinherited by a recovery was allowed to inspect title-deeds, 382

a recovery by a tenant in tail barred all collateral conditions subsequent to the estate tail, 390

RECOVERY—*continued.*
Effect of a recovery in barring estates tail:
a recovery by a tenant in tail let in incumbrances, V. 396.—and confirmed conveyances and settlements made by him, ib. 397
Estates tail granted by the crown as rewards for services, where the reversion was in the crown,
could not, by stat. 34 & 35 Hen. 8. c. 20., be barred by recoveries, IV. 350, 351. V. 374. 414
construction of the statute, 415
no alteration of the limitations would enable the tenant to bar his issue or the reversion, 421
where lands were conveyed to the crown for the purpose of getting a re-conveyance in tail, such estate tail was not protected by the statute, 418
the estate tail must have been a reward for services, ib. 374
ancient mode of acquiring a good title to an estate tail, of which the remainder or reversion was in the crown, 421
usual mode now adopted, 423
Effects of a recovery in barring particular persons, estates, and interests:
operation of, how different from that of a fine, 383
barred all parties except infants, where the reversal was during the minority, ib.
married women, ib.
a recovery suffered by husband and wife would bar dower, I. 177. V. 384.—and jointure, I. 208
a recovery by a husband alone would not bar dower, V. 384
trust or equitable entailed estates, I. 407. V. 374. 384
an equitable recovery would not in general operate on a legal estate or remainder, 388.—Exception, 389
there must have been an equitable tenant to the *præcipe*, 385
what estate necessary, ib. 388
Powers,
a recovery barred a power appendant or in gross, 389
a recovery operated as an extinguishment of a power relating to the land, whether appendant or in gross, IV. 234. 236.—but not of a power simply collateral, 238. V. 390
conditions and conditional limitations when suffered by a tenant in tail, ib.
contingent remainders, 393
a writ of error to reverse an erroneous fine, 240. 394
was an estoppel on record, 396
let in prior incumbrances of tenant in tail, ib.
confirmed a preceding conveyance by a tenant in tail, 397
its effects in letting in incumbrances different from those of a fine, 398

RECOVERY—*continued.*
was a revocation of a devise, V. 398. VI. 96
created a forfeiture when suffered by tenant for life, V. 398
did not alter the descent, 399
exception, 402.—might alter the descent of an estate tail, III. 341
What persons, estates, and interests, were not barred by a recovery;
none but those persons who were parties, issue in tail, remaindermen, &c. V. 407
estates precedent in limitation to that of which the recovery was suffered, ib.
estates in dower or jointures, 408
estates held *jure uxoris*, 413
estates tail granted by the crown for services, 414
reversions vested in the crown, 422
estates by statute merchant, *elegit*, &c. II. 55. V. 423
executory devises, when, ib. VI. 369. & n.
How reversed:
writ of error, V. 424
must be brought in the king's bench, unless the error is in the process, ib.
when brought on a judgment given in a court of great session in Wales, is returnable in K. B. ib.
who may bring a writ of error, 424, 425
the right to bring a writ of error descends to the person to whom the lands would have gone, 425. does not pass to the crown on an attainder for treason, ib.
there ought to be a writ of *scire facias*, 426
what may be assigned for error, 427
nothing that contradicts the record, ib.
when the incapacity of a vouchee may be assigned for error, ib. 428
the parol might demur on account of the infancy of the tenant, 426, 427
must be brought within twenty years, 438
how it may be barred, ib.
not barred by a release of errors from the common vouchee, 439
writ of deceit, for recovery of lands held in ancient demesne, ib.
writ of false judgment, 440
How falsified;
by entry and plea, 443
by action, ib.
by action and plea, ib.
by plea only, ib.
by trial in ejectment, ib.
by a tenant for years, ib.

RENTS—*continued.*
Remedies for recovery of rents:
the lord by escheat may distrain, III. 416
no demand of rent is necessary in cases of, 286
where equity will assist in recovering a rent, 288
actions of debt and covenant, ib.
must be prosecuted within six years, II. 151. n. III. 454
Clause of re-entry for non-payment of rent, 286
the profits taken by lessor after entry go in satisfaction of the rent, ib.
actual demand necessary before entry, ib.
right of entry by operation of statute of uses, 287
ejectment for non-payment (by 4 G. 2. c. 28. s. 2.), ib.
mortgagee of a lease will be relieved against on same terms as lessee, ib.
Estate which may be had in a rent and its incidents,
may be held in fee or in tail, 289
effect of recovery by tenant in tail, V. 374
may be held for life or years, III. 289
special occupancy of a rent by executors and assets in their hands, 290
are assets in the hands of the heir, if he takes as special occupant, ib.
an estate *pour autre vie* in a rent is devisable, ib.
subject to curtesy, 291, and to dower, ib.
may be granted in remainder after limitation for life, 292, 293
and *de novo* to commence *in futuro*, 293
but not rents *in esse*, ib.
and to cease for a time, and afterwards to revive, ib.
are within the statute of uses, 294
may be granted,
in remainder to commence after limitation for life, 292, 293
de novo to commence *in futuro*, 293
but not rents *in esse*, ib.
to cease for a time, and afterwards to revive, ib.
may be conveyed to uses which will be executed by the statute, 294
but not so as to transfer a covenant which is a collateral right, ib.
seisin of, 274. 291
no disseisin of, 294, 295
cannot be devested by non-user, ib.
receipt of rent by heir not necessary to give seisin, I. 50
how forfeited or lost, III. 295
discharge and appointment of. See *ante*.
Stat. 11 G. 2. for apportioning rent, 306. VII. App. 1
Stat. 4 & 5 Will. 4. c. 22. for apportioning rent, 2
acceptance of rent. See *Acceptance*.
refusal of a copyholder to pay rent is a forfeiture, I. 312
a mortgagee entitled to rent after notice, II. 84

RENTS—*continued.*
tenants holding over after giving notice to quit, must pay double rent, I. 251
a posthumous child entitled to rent, although accruing before his birth, II. 253
rent is incident to a reversion, 337
entailable, I. 72, 73. III. 289
descent of to the whole blood, 350
customary rents are within the former statute of limitations, 453. but not rents created by deed, 456
rents *in esse* pass by bargain and sale, IV. 100. fines might be levied of them, V. 132
rent is a sufficient consideration in a bargain and sale to raise a use to a bargainee, IV. 102. III. 276
will pass by lease and release, IV. 115
rent could not be reserved on a fine executed, V. 95, 96
the entail of a rent barred by fine, 164. 228
a fine levied by a stranger did not bar a rent in the possession of a third person, 228
in what sense capable of disseisin, III. 295
reserved on lease for years is not apportioned by alienation of lessee, 304
reserved upon estates differing in quality will be apportioned upon descent, 305, 306
Qu. whether 11 Geo. 2. c. 19. extends to leases by tenants in tail not made pursuant to enabling statute, 306
but within stat. 4 & 5 Will. 4. c. 22. App. VII. 2
will be apportioned on a lease of tithes, III. 309
and on lease by tenant for life though not in conformity with his power, ib. 310
there can be no discontinuance of a rent, V. 219
are devisable, VI. 26
the words 'all my rents' will pass real estates in a devise, 176
corn rent, IV. 66

REPRESENTATION, right of, III. 324. See *Descent.*

REPUBLICATION OF A DEVISE, VI. 114. See *Devise.*

RESIGNATION BONDS, III. 30, 31, &c. See *Advowson.*

RESTITUTION OF BLOOD, III. 182. 325

RESULTING TRUSTS, I. 391. See *Trusts.*

RESULTING USES, I. 370. See *Uses.*

REVERSION. See *Estate in possession and expectancy, Remainder.*
is the second kind of estate in expectancy, and why, II. 202. 334
is the returning of land to grantor or his heirs, after grant for life or years determined, 334. 336
or where the residue of the estate always continues in him who made the particular estate, 336

REVERSION—*continued.*
did not remain in the donor of a conditional fee before the statute *de donis*, II. 335. I. 68. 69
semb. does not now remain after a grant of a qualified or base fee, II. 335
arises by construction of law, but if limited by deed after 31 Dec. 1833., confers a remainder in fee by purchase, 336
is a vested interest, ib.
but a person cannot be said to be 'seised' of it, ib.
action for injuring the inheritance lies by reversioner, ib. 337
may be devested by what act of tenant for life or in tail, 337
right of entry when remains to reversioner, and when not, ib.
incidents to a reversion are fealty and rent, ib.
curtesy and dower are not incident to reversions expectant, on estates of freehold, 338
is considered as in the power of a tenant in tail, 154. 339
may be conveyed to uses, I. 353
how taken by descent, III. 378
all particular estates merge in the reversion, except estates tail, II. 362.
but estates tail previously to stat 3 & 4 Will. 4. c. 74. merged and became liable to debts, when out of the protection of the stat. *de donis*, ib. V. 168
Expectant on a term for years,
begins to exist on the entry of lessee, I. 225. 237, 238. II. 335
why termed expectant, 334
is present assets for payment of debts, 338. IV. 93
is subject to curtesy and dower, I. 141. 149. 162. II. 338.
may be extended on statute, &c., or taken by *elegit*, II. 51
Expectant on an estate for life,
is *quasi* assets, ib. 338. IV. 93
may be extended on statute, &c., or taken by *elegit*, II. 51
Expectant on an estate tail,
is not forfeited by attainder for treason of tenant in tail, I. 90
is assets when it comes into possession, II. 339. 357. IV. 93
is assets when in possession for the payment of debts, though devised away, II. 340
liable to debts of settlor, 339
but *semb.* not to debts of an intermediate tenant for life, who was entitled to the reversion in fee, 356—359
bound by the judgments, statutes, and recognizances of all those who were at any time entitled to it, whenever it comes into possession, 359
and also to their leases and covenants therein, at the like time, 360
estates tail do not merge in the reversion, I. 75. II. 362.; exception, previously to stat. 3 & 4 Will. 4. c. 74. s. 39. V. 168

REVERSION—*continued.*
may be had in an advowson, III. 6.
and in certain offices, 101
descent of reversions, 340, 341. See *Descent.*
a reversion, of which the right is vested, may be conveyed
by bargain and sale, IV. 100
by covenant to stand seised, 107
and by lease and release, 115
when leases under a power are said to be in reversion, 164—167
a reversion allowed to pass by a release, by way of grant to effectuate the intention of the parties, 250
an equitable reversion barred by fine and non-claim, V. 192
a fine sometimes let in a reversion, 168. and made it liable to prior incumbrances, 214
might be devested by a fine levied by a tenant for life, 215
barred by a recovery, 371. unless it be vested in the crown, IV. 351. V. 422
a devise of a reversion is good, VI. 384., unless as against creditors, 8
by what words a reversion passes in a devise, 194, 195. See *Devise.*
effect of the word *reversion* in giving a fee simple in a devise, 221
Reversioners, interest and power of,
not bound by leases made by tenants in tail, I. 87. IV. 61
not affected by attainder of tenant in tail for treason, I. 90
may enter for condition broken, when, II. 33, 34. Qu.
may bring actions for injuries done to the inheritance, 336, 337
heir to, how shall take, 357
how affected by fines at common law, V. 152, 153
not barred by fine except on non claim, 167, 168
allowed five years from the accruing of their right, to claim against a fine, 192
may make entries to avoid fines, 246

REVOCATION,
a presentation to a living may be revoked, III. 12
a use might have been revoked before the statute of uses, I. 343
of devises. See *Devise.*
powers of revocation and appointment. See *Powers.*
conveyance reserving power of, IV. 431, &c.
power to mortgage estate to any amount is in fact a power of, 432
so a power to lease for any number of years with or without rent, ib.

RIGHT,
of action. See *Action.*
of entry. See *Entry.*
of possession, III. 313

RIGHT—*continued.*
of property, III. 314
meaning of the words "put to a right," V. 225

RIVERS. See *Navigation.*
weirs across, III. 263

RULE IN SHELLEY'S CASE, II. 208. IV. 304
origin and nature of, as applied in the construction of deeds, ib.
stated, ib.
is the same where the ancestor takes a freehold estate by implication, 307
how mediate limitations are vested, 305
joint and several limitations, when make an estate tail executed in grantees, and when not, 308—310
both estates must be limited by the same instrument, 310, and be of the same nature, as both legal or both equitable, 312
is not extended to the words *son* or *sons*, *child* or *children*, but only to limitations, using the word *heirs*, ib.
not to the word *heir*, in the singular number, with words of limitation superadded, ib.
nor to marriage articles, which are considered as executory, and to be construed according to the intention of the parties, 313. See *Articles.*
applies to estates *pour autre vie*, 325. VI. 290
was not formerly applied in the construction of assignment of terms for years, IV. 325, but is now, 327, unless a contrary intention appear, 328
applied to construction of surrenders of copyholds, V. 468
applied in construing devises, VI. 275
in devises of legal estates, ib., although the limitation to the heirs be only mediate, 277, and although the estate for life arise by implication, 279
applied when the word *heir* is used in the singular number, 280
and where there are words of limitation superadded to the word *heirs*, 281
or words of modification, 283
superadded words may sometimes control the word *heirs*, and make it a word of purchase, IV. 328. VI. 283
applied to devises of trust estates, 284, where the court of chancery is called upon to direct a conveyance to be made under a will, the construction is different, 289. 306, 307
applied to devises of copyholds, 289
and to devises of terms for years, 290
cases in which the rule does not apply,
where the limitation is to *sons* or *children*, 290
where explanatory words are added to the word *heirs*, 291

RULE IN SHELLEY'S CASE—*continued.*
applied in construing devises,
where words of limitation are added to the word *heir* in the singular number, VI. 295
where the word *heirs* is controlled by subsequent words, limiting an estate of a particular nature, ib.
where the remainder is to the *heir* for life, 296
exception, ib. n.
where the word *issue* is used with words of limitation, 297, unless the general intent require a different construction, 298, 299
where an executory trust is created and a conveyance directed, 306, 307
where the estate given to the ancestor differs in quality from that given to the heir, 312
case of Perrin and Blake, 313
remarks on the application of the rule, 325

S.

SAINTFOIN titheable, III. 41
SALE, power of. See *Agreement.*
by what words created in a devise, VI. 360
why powers of sale and exchange are given in modern settlements to trustees, IV. 432
SALIC LAW,
antiquity of, I. 2
SCINTILLA JURIS, or possibility of entry, II. 259, 260
which remains in a feoffee to uses after the use is executed by the statute of uses, 260. 276. 282. 305
which enabled a tenant in tail, after levying a fine, to bar the remainders and reversion by a recovery, V. 373.
whether an attainted tenant in tail had such a *scintilla juris* as would enable him to suffer a recovery, ib. 374
observations on, II. 282
SCIRE FACIAS,
necessary to revive a judgment where no execution issued for a year and day after its entry, II. 49
ad rehabendum terram, 60
determination of estates by statutes merchant or staple and *elegit,* by, 60—62
SEALING.
necessary to the validity of a deed, IV. 27
whether sealing a will is a sufficient signing within the statute of frauds, VI. 48

SECONDARY OR SHIFTING USES, II. 264. See *Uses.*

SEIGNIORY, I. 17. III. 403
when suspended, I. 258, 259
might have been forfeited, I. 17. See *Feud, Lord and Vassal.*
may be in right of a manor or in gross, 33—35
the latter may be extinguished and extended, 34

SEISIN. See *Livery of Seisin.*
possession of a feud, on completion of investiture, was called, 49
defined by Lord Mansfield in the case of Taylor *v.* Horde, V. 303
seisin in deed and in law, I. 49, 50
acquiring by entry, 50
seisin in law may be defeated by abatement, viz. entry of a stranger claimant, 51
a wife must be seised to entitle her husband to curtesy, 140, 141
and a husband to entitle his wife to dower, 156
there can be no seisin of an estate for years, 224
for seisin can only be of a freehold, 49. 350. 390. 406
the word extends to being seised in equity, as *e. g.* of a trust estate, 406
seisin required by statutes of limitation as to writs of right and avowries, III. 432
in a conveyance to uses the grantor must be seised, I. 353
what kind of seisin may be had in a remainder or reversion, III. 382. II. 336
seisin of cognizee of statute merchant or staple, &c. 40
how seisin may be had of an advowson, III. 6
the seisin of one joint tenant, previously to the 31st Dec. 1833, enured to all, II. 369. 377. III. 437. V. 227
of one coparcener enured to all, II. 392. III. 437. V. 227
of one tenant in common enured to all, II. 402. III. 345. 437. V. 227
how it may be had in a rent, III. 274
what seisin of an ancestor will enable an heir to claim through him, 328. 344
when seisin must be acquired by entry, 344
a ward may have seisin by the possession of his guardian, I. 50. III. 345. 349
seisin necessary to make a *possessio fratris* previous to the 31st Dec. 1833, 342
in the case of a trust, 350
in the case of a remainder or reversion, 380, 381
in the case of a copyhold, 390, 391
in a bargain and sale the bargainor need not always be seised, IV. 100

SEISIN—*continued.*
necessary to support a fine, what, V. 120—126
necessary in a testator, VI. 31—33
exceptions, ib. 34
SEISINEE TO USES, VI. 489. See *Feoffee, Grantee, Releasee.*
SERJEANTY,
tenure by grand, I. 27
tenure by petit, 36, 37. 41
how affected by stat. 12 Car. 2. c. 24. 29
SERVICES. See *Suit of Court, Heriot, Rent.*
certain services not within the statutes of limitation, III. 456
of which a recovery could not be suffered, V. 340
SETTLEMENTS. See *Articles, Marriage.*
when the practice begun, IV. 149
history of, as occasioned by the rules against perpetuities, 332
modern mode of making, 333, of raising uses in, 131, and of creating estates tail in, 285
of estates for life are good, though they are not entailable, 333
so of terms for years, 334
usual mode of making settlements of terms for years, 336
powers have taken the place of conditions in, 134
powers of revocation, sale, and exchange, are always reserved to trustees in, and why, 432. 179—187
amending mistake in, 248. 323, 324
contingent remainder in, II. 206. 212
remainders in are sometimes directed to be destroyed, 290
children are purchasers under, IV. 292. 313
rectifying, where expressed to be made pursuant to articles, 323, 324
if made by persons indebted at the time, are bad against creditors, 426
made before and in consideration of intended marriage,
distinction between conveyance before and in consideration of marriage, and a conveyance made afterwards to a wife or children, IV. 436, 437
are good within 13 and 27 Eliz. against creditors and subsequent purchasers, 436
though without a portion, for marriage itself is a valuable consideration, 24. 292. 434. 438. I. 203
though the settlor was indebted at the time, IV. 438
how far the consideration of marriage extends, 442
by a widow on her children by her first husband, before marrying a second, is good, only founded on moral consideration, 443
made after marriage in favour of a wife and children are good, if settlor is not indebted at the time, 427
but not against subsequent purchasers for valuable considerations, 428

SETTLEMENTS—*continued.*
made after marriage in favour of a wife, &c.
though with notice, IV. 428. 430, 431
except where made in pursuance of agreement made before marriage, or in consideration of an additional portion, 437
but settlor will not be assisted in equity to disturb the settlement, 431
when wife joins with husband to destroy a settlement made previous to her marriage, a new and better settlement will be good, 438
SEVERALTY, holding estates in, II. 363
Shelley's Case. See Rule in.
SHERIFF OF A COUNTY,
offices in his gift, III. 94
duty of, as to assigning dower, I. 170, 171
SHIFTING USES, II. 264. See *Uses.*
SIGNING,
whether essential to a deed, IV. 27
of wills, VI. 47
requisite to a revocation of a devise by declaration in writing, 80
SIMONY, III. 23. See *Advowson.*
SIMPLE CONTRACT DEBTS. See *Debts.*
SOCAGE,
tenure, I. 35
derivation of the word, ib.
villein socage, 43
changes in, by stat. 12 Car. 2., 41
guardian in. See *Guardian.*
all freehold estates must now be held in, 49
SONS,
limitations to, IV. 285
a good description in a devise, VI. 169
effect of this word in creating an entail in a devise, 239, 240
the rule in Shelley's case does not apply to this word in a devise, 290
SPECIAL OCCUPANT, I. 111. See *Occupancy.*
SPECIAL TAIL See *Estate Tail.*
SPECIALTY DEBTS. See *Debts.*
SPRINGING USES, II. 263. See *Uses.*
STAMPS OF DEEDS, IV. 25
STAPLE,
statute of the. See *Estate by Statute Merchant, &c.*
STATUTES. See *Table,* Vol. VII.
STEWARD OF A MANOR,
may grant copyholds, I. 271
may take surrenders, V. 449

STUBBLE,
not titheable, III. 40
SUBINFEUDATION,
what, I. 13. IV. 5
taken away,
in France, I. 13
in England, by stat. *quia emptores*, A.D. 1290, 22
mesne tenures, *viz.* tenures not in *capite* occasioned by, 21
subinfeudations previous to reign of Ed. I., beginning Nov. 16, 1272, confined, 22
assignment of dower is a species of, out of the stat. *quia emptores*, 165
SUBPŒNA IN CHANCERY,
its origin, I. 333. 339
lord of a manor may be compelled to admit his copyholder by, V. 457
SUFFERANCE. See *Estate at Sufferance.*
SUIT OF COURT,
incident to copyhold tenures, I. 280
withdrawing, is punishable by fine, 310, 311
refusal to do, incurs forfeiture, 311
SURRENDER. See *Merger, Release, Alienation by Custom.*
is the falling of a less estate, as for life or years, into the greater immediate estate in reversion or remainder, IV. 84
is a conveyance at common law, and immediately devests the estate out of surrenderor, and vests it in surrenderee, ib. 45
surrender of original lease does not affect an underlease, 84
technical words of, 85
good without technical words or livery of seisin, ib.
must be by deed or note in writing, signed by the surrenderor or his agent, ib.
and cancelling a lease is not a sufficient, ib. 86
Who may surrender:
all persons capable of alienating lands, 86
infants, lunatics, or femes covert, ib.
surrenderor must be in possession, ib.
surrenderee must have a greater estate immediately in remainder or reversion, ib.
privity of estate must exist between surrenderor and surrenderee, 87
estate at will is not surrenderable, ib.
of an estate for years, occasions a merger in the reversion for years, ib. VI. 476
and the number of years of the reversion is not material, ib.
of a copyhold to the use of the lord, causes an extinguishment, I. 324

SURRENDER—*continued.*
of a lease to one joint tenant enures to all, II. 377
a franchise may be surrendered, III. 267
a dignity cannot be surrendered, 153, 154
surrender and admittance of copyholders, V. 448. 454. See *Alienation by Custom.*
to make a tenant to the præcipe. See *Recovery.*
implied surrender, what, VI. 468
SUSPENSION. See *Merger.*

T.

TENANCY IN COMMON,
is, where two or more hold lands or tenements in fee-simple, or tail, for life or years, by several titles, and occupy the same in common, II. 399
how created, ib. IV. 292
incidents to this estate, II. 400
subject to curtesy, 408. I. 147
and to dower, 162. II. 409
may be held by prescription, III. 425
by what words created in a deed, IV. 292
by what words in a devise, VI. 336
two persons may be made joint tenants for their lives, and tenants in common of the inheritance, II. 365
may be extended, 54
destroyed by partition, 410
voluntary partition, ib.
must be by deed or agreement in writing, since stat. frauds, ib.
writ of partition, ib.
partition in chancery, 411
every part of the estate need not be divided, ib.
respiting, where one of the parties is an infant, 412
partition under inclosure act, 413, 414
uniting all the titles in one tenant by purchase, &c. 414
partition of advowson, how made, III. 18
nature of deed of partition, IV. 77
a partition does not revoke a devise, VI. 107, 108
Tenants in common, their interest and power;
have a reciprocal action for waste and account, II. 400
the possession and seisin of one, previously to stat. 3 & 4 Will. 4. c. 27., was the possession and seisin of all, 402. III. 345. 437. V. 227.
a perception of profits by one tenant does not amount to an expulsion of another, II. 402
when the entry of one, is the entry of all, ib.
the entry of one to avoid a fine enured to all, V. 246

TENANCY IN COMMON—*continued.*
Tenants in common, their interest and power:
lease by, on condition rendering rent, how considered several, III. 277
one could not be disseised by the other, except by an actual or presumable ouster, II. 403. V. 227.—but not if fraud is evident, II. 406—408.
thirty-six years' uninterrupted possession by one, held ground to presume an actual ouster, 403
what acts will and will not devest the possession of a tenant in common, 402, 403
in case of an advowson, all must present, III. 18
may enfeoff each other of their shares, IV. 50. 79.—but cannot release to each other, 79
may make leases jointly or severally, 68
might levy fines, V. 119
TENANT TO THE PRÆCIPE. See *Recovery.*
TENANT RIGHT, customary estates called, I. 299. 326
TENEMENT,
origin of, 19
meaning of the word, 45. IV. 268
what passes in a deed by this word, 268
this word not a sufficient description in a fine, V. 137
liberum tenementum includes not only land, but rents commons offices, &c. IV. 268
TENENDUM OF A DEED, 26
TENURES. See *Allodium; Feuds.*
origin of, I. 19. 48
division of, into free and base, certain and uncertain, 20, 21. 42
Ancient English tenures:
in *capite* of the king, 21, 22
ut de coronâ, 21
in gross (strictly, *in capite*) of the person of a subject, or manors, 22. 33
abolished by stat. *quia emptores terrarum*, 18 Ed. 1. c. 1., 22
as to tenures of the king's tenants *in capite*, by 17 Ed. 2. c. 6. and 34 Ed. 3. c. 15., ib.
by grand serjeanty, 27. III. 93
by knight's service, I. 22
incidents to, as escuage, homage, fealty, 23, 24
distinguished from escuage, 23
fruits of, as
aids, 24, reliefs, 25
primer seisin, ib.
wardship, 26
marriage, ib.

TENURES—*continued.*
Ancient English tenures:
military tenures abolished by 12 Car. 2. c. 24., 28
thus all tenures, except frankalmoign, copyhold, and the honorary services of grand serjeanty, were reduced to free socage, 29
Modern English tenures:
in free or common socage, 35
petit serjeanty, ib. 41
burgage, 36
ancient demesne, ib. 37
gavelkind, 38, 39
incidents to these tenures; as seigniory, rent or service, homage, fealty, suit of court, aids, reliefs, primer seisin, wardship, fines for alienation, forfeiture for treason and felony, and escheat, (except gavelkind), 39, 40
in villein socage, free copyhold, or customary freehold, 43, and see 255—259.
changes in socage tenure, by 12 C. 2. c. 24., 41
all freehold estates must now be held in socage, 49
in villenage:
distinguished from free tenure, how, 48
by copy of court roll, or admissions to hold as,
common copyholders at will of the lord, 42, 43
free copyholders, or customary freeholders, holding according to the custom of the manor, 43, and see 255—259
not affected by 12 Car. 2. c. 24., ib.
in frankalmoign, or free alms:
origin of, 44
not affected by 12 C. 2. c. 24., ib.
parochial clergy, &c. hold lands by, ib.
king only (since *quia emptores*) can give land to be held in, ib.
no new tenure can be erected since stat. *quia emptores*, except by statute, V. 16
tenure *per baroniam*, III. 123
dignities by tenure, 124
advowsons lie in tenure, 5
nothing which does not lie in tenure can escheat, 401, 402

TERM,
considered in law as one day, II. 43. V. 89. 320, 321

TERM FOR YEARS.. *See Estate for Years, Outstanding Term, Trusts.*

TERRETENANT,
must assign dower, though a disseisor or intruder, &c. I. 169
execution against, under statute staple, II. 47

TEST ACT, 25 C. 2. c. 2., III. 108.
TESTAMENT, distinguished from a devise, VI. 6
TESTATOR,
must in general be seised of the lands devised at the time of the devise, 31
must die seised of the lands devised, 33
TIMBER,
growing, is parcel of the inheritance, and the severance is not favoured by law, I. 55
does not go to executor as emblements, 106
may be cut by a tenant in tail, 74.—but not by a tenant for life or years, 105. 116. 230
what trees are considered timber, 116, 117. III. 42
belongs to the person entitled to the inheritance, I. 115, 116. 122
so when severed, 126, 127
may be felled by order of chancery on estate of tenant for life, to pay debts charged on the inheritance, 125
lessor may enter land to fell, when excepted in the lease, 116
when and for whose benefit timber in a state of decay may be cut down, 126
timber growing on a copyhold belongs to the lord, 281, 282
in what case a copyholder may cut timber, 282
trustees to preserve contingent remainders, are bound to take care of timber, II. 301
not titheable, III. 41
produce of, cut on glebe lands, how may be applied, I. 132
TITHES,
are incorporeal hereditaments, III. 2. 38
origin and nature of, 37
consist merely *in jure* and are only a right, 38
release of all demands in lands does not operate as a discharge of, ib.
are *prædial*, personal, or mixed, ib. 39
are great and small, according to the nature of the vegetable, 39
how and when due, ib.
due by common right or custom, ib.
Of what things prædial tithes are due:
corn, and sometimes its rakings, 40
but not stubble, ib.
every species of grain, as pease, beans, &c. ib.
not clover, vetches, or grass, cut green and given to cattle employed in husbandry, 41
hay, 40, 41
clover, saint-foin, and rye grass, considered as hay, 41
so is a second crop of clover, ib.
Qu. aftermath, ib.
underwood, ib.

TITHES—*continued.*
Of what things prædial tithes are due:
trees not usually employed as timber, III. 42, 43
fruit trees, 42
wood growing from old roots or stools of timber, 42, 43
but not lops or tops of timber trees, 43
hemp, flax, madder, hops, turnips, ib.
garden herbs and fruits, but not hot-house plants, 44
agistment tithe, ib.
Mixed tithes are due of
the young of cattle, 45
wool, milk, and cheese, ib.
Personal tithes are due of what things, ib.
what things are not titheable, ib. 46
to whom tithes are payable, 46
rectors, parsons, or vicars, ib.
portionists, 47
the king for extra-parochial lands, 48
lords of manors, ib.
lay impropriators, ib.
rectorial and vicarial tithes, 46
lay impropriations, 48
are temporal inheritances, 49
are assets, ib.
are liable to dower and curtesy, ib. I. 148. 163
may be held in fee, in tail, for life, or years, III. 49
and in joint-tenancy, coparcenary, or in common, ib.
a partition may be obtained by bill in chancery, ib.
may be aliened, and are within the statute of uses, under the word *hereditaments*, ib.
may be granted by copy of court roll, Qu. I. 265
descended to the whole blood only, previous to stat. 3 & 4 Will. 4. c. 106. III. 350
what seisin made a *possessio fratris*, ib.
are not within the old statutes of limitation, 455
but are within the recent statutes of limitation, 454, 455
pass by,
bargain and sale, IV. 100
covenant to stand seised, 107., see I. 341
lease and release, IV. 115
may be leased, 60
fines might be levied of them, V. 133
by what words they passed in fines, 134
could not be discontinued by tenant in tail, 219
recoveries might be suffered of them when in the hands of lay persons, 340
are devisable under the general word "*hereditaments*," in the statute of wills, VI. 26

TITHES—*continued.*
Exemption from tithes:
a real composition, III. 50
to be good, must have been made before the 13 Eliz., ib.
and the deed by which it was made, must have been shown or proved to have existed, ib. 51
a *modus decimandi*, 51
a prescription *de non decimando*, 52
what length of time will support, 51. n.
in what cases good, 53
what orders were exempt from paying tithes, ib.
may be annexed to lands in the possession of lay persons, ib.
previously to stat. 2 & 3 Will. 4. c. 100. not good against the church without showing the ground of exemption, 49, 50
nor against lay impropriators, 55, 56, 57
act of parliament, 54, 55
non-payment of tithes could not, previously to the late statute, be pleaded against a spiritual person or a layman, 49, 50. 57
long possession of a portion of tithes creates a title, 58. 63
distinction between a prescription *de non decimando*, and a claim to a portion of tithes, 60
Lease of tithes is good, and the rent reserved is recoverable in debt, 275

TITLE. See *Dignity*.

TITLE DEEDS. See *Charters*.
are heir looms, I. 46
a tenant in tail has a right to them, 75
right of tenant for life to, 107, 108
depositing in court, for security of reversioner, 107 and n.
custody of, as between trustee and *cestui que trust*, 108 n.
deposit of, as security for money advanced, creates equitable mortgage, II. 69
a jointress not bound to deliver them up, I. 206
detinue of, is a bar of dower, 176
where possession of title deeds will give priority to a second mortgagee, II. 163, &c.
the custody of the title deeds of a term for years, with a declaration of trust, is equivalent to an assignment, 186
clause respecting title deeds, IV. 271
in what cases a grantor may keep them, ib.
covenants for producing them, 392
Q. whether they belong to a releasee to uses, or to the *cestui que use*, 117. 271
inspecting, by heir in tail disinherited by recovery, V. 382
effect of possession of, by puisne incumbrancer, II. 193

TITLE TO REAL PROPERTY,
description of a title, III. 311
what constitutes a complete, 315
bare possession or actual occupation of the estate, 312
entry when necessary to avoid, ib. I. 50
effect of entry or continual claim by heir or disseisee, in order to avoid such a title, previously to stat. 3 & 4 Will. 4. c. 27. was to give them an actual seisin in deed of the lands, III. 312
right of possession,
may exist in one, while the actual possession is in another, 313
may be exerted by entry, ib.
descent to heir of disseisor, abator, or intruder, previously to the late statute, tolled the entry of disseisee, &c. and why, ib.
but not if the person having the right of entry was under legal disability, ib.
is apparent or actual, ib., 314
right of property without either possession or the right of possession, 314
discontinuance of estates, ib., 315
remitter, 316
modes of acquiring, are by descent and purchase, 317
may be deduced through an alien. See *Descent.*
TOLL,
right of taking it usually annexed to fairs or markets, III. 265
TOLLING ENTRY, I. 50
TOWNS CORPORATE.
Courts of, fines might be levied in them, V. 105, 106
TREASON,
high and petit, attainder for. See *Attainder.*
forfeiture for. See *Estate in Fee Simple, Estate Tail, Uses, Trusts.*
right of entry of issue in tail lost by attainder for, I. 91
TREASURE TROVE, III. 257, 260
TREES. See *Timber.*
TRESPASS, Action of,
may be maintained
by a lessee against a lessor for cutting trees, when, I. 116
by a landlord against the grantee of a tenant at will, 244
by a lessor against a tenant at will for voluntary waste, ib.
by a copyholder against his lord for ouster, 254
by lessor against heir of tenant at will, when, 242
TROVER, Action of,
may be maintained by a tenant in tail in remainder against a tenant for life, for timber felled, I. 123. II. 314

TRUSTS,
origin of trusts, I. 381
are in fact uses not executed by stat. 27 Hen. 8., ib., 405, III. 402
are considered between *cestui que trust* and trustee, as the ownership, and as legal estates, I. 406
the word *trust* was originally synonymous with *use*, and they are both mentioned in the statute, 381. 385. III. 414
description of a trust estate, I. 381
pernancy of the profits, execution of such conveyances as *cestui que trust* shall direct, and defence of the title, are the great properties of a trust, 448
are created in three direct modes:
1st, where a use is limited upon a use, 381
2d, on a limitation to trustees to pay over the rents and profits to a third person, 384
distinction between a limitation in a devise to trustees to pay over to, and limitation to trustees to permit and suffer a third person to receive the rents and profits, ib. 385
a limitation requiring a seisin in the trustees, 387, 388. Exception, 389
a limitation in trust for the separate use of a married woman, 385
Qu. whether restraint on alienation during coverture may be dispensed with by stat. 3 & 4 Will. 4. c. 74. s. 77. App. VII. 15
a limitation by devise or deed in trust to sell or to raise money, I. 386
a trust estate limited after payment of debts vests immediately, 389
3d, a limitation of a term for years in trust, 389, 390
How declared in writing within the statute of frauds, 390
what written evidence will suffice, ib.
Trusts result or are implied, 391, on
a contract for the purchase of a real estate, ib.
a purchase in the name of a stranger, ib., 392
a purchase with trust money, 392, 393
a conveyance to a stranger without consideration, 394
voluntary settlements and wills, ib.
settlement for valuable consideration, and for benefit of a family, ib.
a trust declared in part, 395
or which cannot take effect, ib. Exception, ib.
where no appointment is made, 396
a renewal of a lease,
by a trustee, ib.
by a person having a particular estate only, 397
by a mortgagee, II. 87
on fraud shown, I. 397
on surrender and renewal of copyhold, ib.

TRUSTS—*continued.*
Trusts result or are implied,
may be rebutted by parol evidence, I. 392
are saved by the statute of frauds, 391, 392
Trusts do not result on
purchase by a father in the name of his child, for it is an advancement; exceptions, 398. 400
or in his own name and that of his child, 400
or purchase in the name of a wife, 402
between a lessor and a lessee, 403
but may between an assignor and assignee of leasehold, ib.
Of copyholds, 397
bound the lord upon the death of trustee without heir, 390
not subject to freebench, 410
nor to dower, 409
a trustee to sell need not be admitted, 297
are devisable without surrender, VI. 40
entails of, not barred by will, 41
devises of, not within statute of frauds, 69
distinction between trusts executed and trusts executory, I. 403
when sufficiently created, will fasten on the estate, 404
but will not prejudice a purchaser for valuable consideration without notice, ib.
are equivalent to the legal ownership, 405
trust estates are governed in equity by rules of law applying to legal estates, 406, 408
disseisin allowed on a trust estate as well as on a legal one, 406
confidence in the trustee is necessary, ib.
but not privity of estate, ib., and see 339
are alienable in writing, 406, 407
effect of conveyance by *cestui que trust*, 407
are descendible as legal estates, ib. III. 339. 350
are devisable, I. 407. VI. 23
by will executed according to the statute of frauds, 67
may be entailed within the statute *de donis*, I. 407
entail of, could previously to stat. 3 & 4 Will. 4. c. 74. only be barred by fine or recovery, ib.
may be limited for life, ib.
are subject to curtesy, ib. 147. 442
though made for sole and separate use of married women, 408.
and this curtesy is not barred by an outstanding term, 442
but previously to stat. 3 & 4 Will. 4. c. 105. not to dower, 164. 409, or freebench, 410, 411
or though the trust estate descends or comes to the husband from another person, 410
but if fraudulently made would not bar dower, 411. 437. IV. 416
a trust is a good equitable jointure, I. 190
forfeitable under 21 Ric. 2. c. 3. and 33 Hen. 8. c. 20.—for treason, 342. 411, 412

TRUSTS—*continued.*
but not for felony, I. 412
a trust does not escheat to crown on death of *cestui que trust* without heirs, but goes to trustees, ib. III. 402
but previously to stat. 4 & 5 Will. 4. c. 23. escheated on the death of a trustee without heirs, I. 448. III. 417. App. VII. 4
subject to the trusts under which trustee held, where, I. 390
liable, under 13 Eliz. c. 4. to crown debts, 412, 413
and to all other debts, 413
may be extended by *elegit*, II. 53
and taken in execution, I. 413. Exception, ib.
are legal and not equitable assets, though equity resorted to, in order to reduce them into possession, ib.
merge in the legal estate if both the equitable and legal estates are co-extensive, ib. 414
where a legal estate in a trustee is a bar in ejectment by *cestui que trust*. 414. 442, 443
or entitles trustee to bring ejectment against *cestui que trust*, ib.
where a reconveyance by trustee to *cestui que trust* will be presumed, 415
are not liable to incumbrances of a trustee, 447
how far may be prejudiced by trustee, 449, 450
in what cases a purchaser of a trust estate is bound to see to the application of his money, 450. See *Purchaser.*
where not bound, 451
when the receipt of the trustee is sufficient, 453
notice of a trust will make a purchaser a trustee, 450
in what sense said not to be within the statute of limitations, III. 460
an equity of redemption similar to a trust, II. 93
entails of trusts might be barred by fine, V. 179, 180
effect of a fine levied by a *cestui que trust*, 180
are within the stat. 11 Hen. 7. for preventing jointresses from levying fines, or suffering recoveries, 410
might be barred by recovery, 384
a recovery of a trust would not affect a legal estate, 388
may be devised, VI. 23
devises of trusts are within the statute of frauds, 67
where in a devise words of advice or desire will raise a trust in equity, 161
by what, and when by general words the estate of a trustee will pass in a devise, 202—204
rule in Shelley's case applied to devises of trusts, 284
declarations of trust. See *Declarations.*
trusts of accumulation. See *Accumulation.*
Trust terms for years in general:
where an unsatisfied outstanding term for years will bar an ejectment, I. 442. &c.
where a surrender by the trustees to the beneficial owner will be presumed, 443, 444

TRUSTS—*continued.*
Trust terms for years in general:
terms in gross, what, I. 417
how alienated and devised, ib.
are not legal but equitable assets, 418
by what rules governed, and how may be settled, ib.
when a term is in gross, 423, &c.
when trust of, declared generally, VI. 230
all terms are at law considered as, I. 439
Terms attendant on the inheritance:
origin of, 418
distinguished from terms in gross, ib.
by what rules governed, ib.
how become attendant, 419—422
when a term is in gross and not attendant, 423
may become terms in gross, 425
are part of the inheritance, and follow its alienation, descent, entail, and limitation over, 425, 426
only pass by a will executed so as to pass real estates, 426. VI. 67
are real assets in the hands of the heir, I. 426
unless the inheritance is in trustees, and a person having a term attendant dies indebted, ib.
are not forfeited for felony, ib.
protect what purchaser from mesne incumbrances, ib. 427, 428
if after purchase for valuable consideration and without notice, he procures the satisfied outstanding term, to be assigned to a trustee for him, 428.
except the term is vested in a trustee on an express trust of which the purchaser has notice, ib. 429
will not protect purchaser against a crown debt, 429. IV. 421
will protect a purchaser from dower, if actually assigned to a trustee for him, I. 429. 439.—but not an heir at law, 441.—nor assignees of a bankrupt, 442
will be set aside in favour of jointresses, 205. 442.—and tenants by the curtesy, 147. 442
how far a declaration of trust of a term is equivalent to an assignment, II. 186
are not a bar to jointure or curtesy, I. 147. 205. 442
will protect and give priority to a puisne mortgagee, II. 174, 175
where a term attendant will enable a puisne mortgagee to maintain an ejectment, ib.
a lord by escheat entitled to a term attendant, III. 416
not barred by fine, V. 182

TRUSTS—*continued.*

Trustees, their interest and power:

who may be, I. 403

the king or a corporation may be, ib.

who cannot be by operation of law. See *Resulting Trusts, supra.*

who are bound to execute a trust, 403, 404

estates of trustees, what, and how different from those of feoffees to uses, 447

cannot incumber the estate, ib.

when unknown or out of jurisdiction the court of chancery will appoint a person to convey, IV. 18. V. 119

being infants the court of chancery may direct them to convey, I. 449. IV. 17. V. 128. 350

duty of trustees, I. 448.

1. to permit *cestui que trust* to receive the profits, ib.

2. to execute such conveyances as the *cestui que trust* shall direct, ib.

3. to defend the title to the land in any court, ib.

previously to stat. 4 & 5 Will. 4. c. 23. forfeited estate by attainder for

felony, but *cestui que trust* would be relieved in equity, I. 447

and for treason, 448. Qu. whether *cestui que trust* had remedy against the crown, ib.

dying without heirs, previously to the above statute, the trust escheated, ib.

but the lord by escheat was bound to execute the trust, ib. 390. III. 418. App. VII. 4

only bound to re-convey to *cestui que trust* where the whole of the trust belongs to him, I. 449

infant trustees may convey, ib. IV. 17

married women trustees may disclaim, where, App. VII. 12, 13

cannot defeat a charge upon the estate, by any voluntary act, II. 344

no act of, shall prejudice the *cestui que trust*, I. 449. V. 180. and see Tit. XXXV. c. 14

exceptions for conveyance or mortgage, by trustee in possession to purchaser, without notice of the trust, I. 449, 450

effect of trustee levying a fine, V. 180

power of a trustee to sell for payment of debts, as to the quantity of land to be sold, I. 452, 453. See *Purchaser.*

clause to enable a trustee to sell, to give a proper receipt or discharge for the purchase money, 454

Qu. Whether they may grant leases, without a power for that purpose, IV. 69

have equal power and interest, I. 455

must all join in conveyances and receipts, ib.

but a trustee who has disclaimed, need not, ib.

TRUSTS—*continued.*
Trustees, their interest and power:
are usually made accountable only for what money each actually receives, I. 455
clause of indemnity for that purpose, ib.
can derive no benefit from the trust, ib.
but may release or compound a debt for its benefit, ib.
bound to reimburse the *cestui que trust*, ib.
trustee concealing a breach of trust by his co-trustee becomes liable to it, ib.
are but as simple contract debtors to *cestui que trust*, 456
remedy against, for breach of trust, 455, 456
have no allowance for trouble, 456.; exception, ib.
nor is agreement to remunerate binding upon *cestui que trust*, ib.
are allowed full costs and expenses, 457
unless improperly incurred, ib.
seldom permitted to purchase the trust estate, 457—459
devisee of a lease in trust for benefit of an infant, cannot, after a renewal refused in favour of the infant, take a new lease for his own benefit, 396, 397
refusing to act, must release or disclaim by deed, 460
may be discharged by the court of chancery, which will appoint others, or execute the trust, ib.
clause for appointing a new trustee, ib.
if not duly executed, retiring trustee continues liable, ib.
alienee of, with notice of the trust, is liable to the same trust, II. 286
equity declares cognizees of fines, who have notice of fraud, trustees for the defrauded persons, V. 180. 252—254
bill in equity avoided a fine levied of a trust estate, 243. 260
distinction between the purchase of an incumbrance by a trustee and by a stranger, II. 187, 188
trustees of Roman Catholics cannot present to livings, III. 21
not bound to enter into any covenants, except that they have done no act to incumber, IV. 389
where a fine levied by a trustee was void, as against the *cestui que trust*, V. 254
a change of trustees is not a revocation of a devise, VI. 107
by what words the estate of a trustee will pass in a devise 202—204
Cestui que trust, interest and powers of:
in possession, is considered at law as tenant at will to trustee, I. 381
has a remedy against trustee upon his alienation, 404
when entitled to a conveyance of legal estate by trustee, 449

TRUSTS—*continued.*

Cestui que trust, interest and powers of:
if in tail, might call for a conveyance, and then suffer a recovery, I. 449. V. 384, 385
feoffment by *cestui que use* to purchaser before fine levied, 300
conveyance of equitable estate by, I. 407. 417. 449
privity of estate between, and trustee, not necessary, 406
is seised in consideration of equity, ib.
guilty of treason, forfeits his estate, 342. 411, 412
guilty of felony does not, 412
for life levying a fine did not forfeit his estate, 407. V. 221
in tail, might bar his issue by fine, 180, 181
in case of an advowson may nominate, III. 3
but trustee must present, 20
how far may be prejudiced by a trustee, as by his attainder, or wrongful conveyance, &c. I. 449. 450. V. 254
has option of re-sale, when trustee fairly purchases the trust estate, I. 458, 459
trustees must reimburse him, 455
is but as a simple contract creditor of the trustees, 456
he cannot destroy contingent remainders, II. 286
how far he might bar his estate by fine, V. 180, 181. See *supra.*
how affected by a fine levied by a stranger, 179, 180
might make a good tenant to the præcipe to suffer an equitable recovery, 384
might suffer an equitable recovery, without his trustees joining, ib. 385

TURBARY, common of, III. 70

TURNIPS titheable, 43

U. V.

VALVASORES, what, I. 21

VASSAL. See *Lord and Vassal.*

VASSUS, I. 7

VENDOR AND PURCHASER,
covenants for title. See *Deed.*
situation of, on entering into a contract for buying a real estate, I. 391
heir how to complete purchase after death of contracting ancestor, II. 143

VETCHES, when titheable, III. 41

VICARS,
how restrained from waste, I. 130, 131
entitled to tithes by endowment or prescription, III. 47
may be barred during their own lives, by fine and non-claim, V. 200. 224

VILLENAGE,
tenure in, I. 48. See *Tenures.*
pure villenage, 21. 42
villein socage, 21. 43
no seisin of lands held in, 49

VISCOUNT, origin of this title, III. 124

UNBORN PERSONS,
may have estates for life limited to them, IV. 350, and a vested remainder limited thereon, ib.
no estate can be limited to their issue as purchasers, ib.

UNCERTAINTY,
will make a deed void, IV. 246
what kind of uncertainty will make a remainder contingent, II. 209
a devise may be void for uncertainty, VI. 133. but an uncertain person may be a devisee, 15

UNDERLEASE,
is not within a condition, " that the lessee shall not assign over his lease without the lessor's permission," II. 8
but parol licence, by lessor to lessee, to under-let part of demised premises, does not discharge him from proviso in lease, " that he should not set, let, or assign any part of the premises without licence in writing," 9
distinguished from assignment of term, IV. 67. 88

UNDERTENANTS,
not liable to the covenants of their lessors, IV. 374

UNDERWOOD,
may be cut by tenant for life, I. 117
may be granted by copy of court roll, 264
is titheable, III. 41

UNION OF ESTATES. See *Merger.*

VOLUNTARY CONVEYANCES,
are fraudulent as against purchasers, I. 205
when fraudulent under the statutes 13 and 27 Elizabeth, IV. 424, 425. 432

VOUCHER. See *Recovery.*

USES,
origin of, I. 330, 331
before the statute, 27 Hen. 8. c. 10.
defined by Plowden and Bacon, 336—338

USES—*continued.*
before the stat. 27 Hen. 8. c. 10.
legal estate was in feoffees to uses, and subject to their incumbrances, I. 338
permancy of the profits by *cestui que use*, execution of estates to *cestui que use*, or his appointee, and defence of the title of the land by the feoffee to uses, are the three points of a trust or use, ib.
the word "*use*" originally synonymous with "*trust*," 381
was (*quoad* the *cestui que use*) a right in equity to the profits of land, the legal seisin of which is in another, 330. 338
manner in which they were created, 331
became general in the reign of Edw. 3. to avoid the statutes against mortmain, ib.
were taken from the *fidei commissum* of the civil law, ib.
account of the *fidei commissum*, *ib.*
cestui que use was the *hæres fidei-commissarius*, 333
the feoffee to uses was the *hæres fiduciarius*, 332
jurisdiction assumed by the chancellors to compel the execution of a use, 333
inadequate when the uses were declared verbally only, ib.
Subpœna,
writ of, invented to remedy this inconvenience, ib.
confirmed, and its abuses restrained by statute, 334, 335
lies against heirs of feoffees, and all who come in in the *per*, 338, 339
Nature of uses previous to statute 27 Hen. 8., 336
distinguished from trusts before that statute, 346
a use being neither a *jus in re* nor *ad rem*, but a *fiducia*: viz. neither an estate nor a demand, but a trust or confidence, is a right in conscience only, ib. 337
a use differs from an estate or possession *potius secundum rationem fori quam secundum naturam rei*, 337—340
reason why *cestui que use* had by common law no property in the lands conveyed to his use, 337
a use was collateral to the land, and only annexed to a particular estate of the feoffees therein, not to their mere possession, 338, 339
lands cannot be charged with a use, IV. 100
estate of feoffee to uses was absolute at common law, I. 337
estate of *cestui que use* was only at sufferance, though he was generally in possession of the lands, ib.
chancery at first only compelled payment of the rents, &c. to the *cestui que use*, ib.
it then ruled that he might call on the feoffees to uses to convey the legal estate to himself or his appointee, and to defend the title to the land, ib. 338

USES—*continued.*

Circumstances necessary to the execution of a use, were confidence in the person and privity of estate, I. 338, 339

1st. confidence in the person: was the trust reposed in the feoffees which arose from the notice given them of the use, and of the persons intended to be benefited by the feoffment, 338, 339

notice of the use was expressed or implied, 338

heirs or feoffees of feoffees, to uses when compellable to execute the use after such notice, and when not, 338, 339

2d. privity of estate

was absolutely necessary to the execution of a use, and why, ib.

was destroyed by disseisin of the feoffee to uses, ib.

or by his death without heirs, committing a forfeiture or marrying, 340

and disseisor could not be compelled to execute the use, 339, 340. III. 407, 408

Who might be seised to a use, and compellable in chancery to execute it,

all private persons who might take lands by feoffment, I. 340

feme coverts and infants though under years of discretion, ib.

not a corporate body, and why, ib.

nor the king or queen regnant, ib.

except to their own use, ib.

nor the queen consort, ib. 341

What might be conveyed to uses before the statute:

nothing whereof the use was inseparable from the possession, *e. g.* annuities, ways, commons, &c. 341

corporeal inheritances and incorporeal hereditaments *in esse; e. g.* rents, advowsons in gross, local liberties and franchises, ib.

Rules by which uses were governed were derived from civil law, ib.

could not be raised without a sufficient consideration, ib., nor a use on a use, IV. 112, I. 381

as to consideration on which a use can or cannot be raised. See *Bargain and Sale, Covenant to stand seised, Lease and Release, Declarations of Uses.*

were not objects of tenure, I. 341

and thus not liable to reliefs, wardships, or marriages, ib.

nor subject to forfeiture for treason or felony, 342

did not escheat to the lord on death of *cestui que use* without heirs, ib. III. 402, 412

were not extendible or assets, I. 342

were not subject to curtesy or dower, ib. 164

which was the origin of jointure, 342

USES—*continued.*
were alienable, though mere choses in action at common law, I. 342
by any species of deed without technical words of limitation, ib. 343. IV. 98, 99
by the *cestui que* use in possession of the land without concurrence of the feoffees, I. 343
conveyance to a use was only publication of a trust, ib.
might be limited to persons not parties to the deed which raised the use, ib.
might be limited to commence *in futuro*, ib.
were revocable by grantor, who might thereupon limit new uses to other persons, ib.
might change from one person to another by matter subsequent, ib.
were devisable, though lands at that time were not, 344
were descendible as legal estates at common law, or by local custom, ib.
half blood could not inherit, ib.
Inconveniences of uses, ib. 345
statutes made (before 27 H. 8.) to remedy them, 345
statute 27 H. 8. c. 10. of Uses:
recited, I. 348, 349
object of, 349
uses when ceased to be devisable, ib.
Circumstances necessary to its operation;
I. a person seised to the use of some other person, ib.
who may be seised to a use, ib.
not the king or queen, an alien or corporation, 349, 350
of what estate a person may be seised to a use, 350
an estate tail, ib.
an estate for life, 353
a remainder, IV. 100
what may be conveyed to uses,
corporeal and incorporeal hereditaments, I. 353
tithes impropriate, III. 49
rents, 294
not copyholds, I. 354. 397
the person conveying to uses must be seised at the time, 353
the feoffee supposed by some to have a *scintilla juris* in the case of contingent uses, II. 282
Qu. whether feoffee or *cestui que use* has a right to the title deeds, IV. 117
II. a *cestui que use in esse*, I. 349, 354
who may be one, 354
corporation or the king may, ib.
what estate he may have, ib. 355

USES—*continued.*
Statute 27 H. 8. c. 10. of Uses:
circumstances necessary to its operation,
acquires an actual legal seisin or possession, I. 358
Qu. whether entitled to custody of deeds, IV. 117
III. a use *in esse* in possession remainder or reversion, I. 349. 358
may be created by declaration, or result, or arise by implication, 358
In what cases the statute operates,
not where the party seised to the use. and the *cestui que* use, is one person, 354
for there being no use limited separately from the estate, both go together, 355
thus *habendum* to two persons to the use of them and the heirs of their bodies is an estate tail, 354—357
cases in which the same person may be seised to a use, and also be *cestui que use*, 357
effect of the statute in transferring the actual seisin and possession in fact to the *cestui que use*, without livery of seisin, entry, or attornment, 358. 366. IV. 113
clause for saving all former estates, I. 358
construction of the statute, 362
there cannot be a use upon a use, 381
words of limitation made necessary in conveyances to uses, 363
right of entry by operation of the statute, III. 287
terms for years vested in feoffees to uses are saved from merger, I. 358, 359. VI. 489
Conveyances derived from the statute of uses:
bargain and sale, I. 365, 366, IV. 98
covenant to stand seised, I. 365, 366. IV. 106.
declaration of uses, I. 365, 366. IV. 125. 127. See *Declarations of Uses.*
what conveyances are said to operate with or without transmutation of possession, I. 367—369. n. (*b*) IV. 97
whether a devise to uses is operated on by the statute, I. 367—370
Contingent uses,
must arise from the estate of the feoffees, &c. II. 267
why only allowed, and how construed, ib.
are transmissible by descent to heirs, and assignable, 331—333
upon what contingency may be limited, IV. 345
trustees are not necessary to support limitations which are only contingent trusts, II. 286
Springing uses,
not so construed when they can take effect as a remainder, 237. 263

USES—*continued.*
Springing uses:
grant of freehold at common law to commence *in futuro* void, but good by way of springing use, II. 264, arise out of what seisin, ib.
may be limited on what contingency, IV. 345
whether can be limited in surrenders of copyhold, V. 472
Shifting or secondary uses,
are uses limited so as to change by matter *ex post facto*, II. 264
contingency on which they may be limited, IV. 345
Contingent, springing, and shifting uses,
destroyed by,
devesting the seisin of the feoffees, II. 277, 278
devise of the land, 278
not destroyed by
devise of portions out of land, ib.
lease for years, 279
grant of rent charge, ib.
fine levied of the estate, V. 232
Uses arising on the execution of powers,
and thus revoking former limitation of a use, I. 363, 364
must be such as would have been good in the original deed, 364, 365. IV. 346
Resulting uses,
what is not disposed of, results or remains in grantor, I. 370, 371. 374. IV. 246
unless the estate be limited away during the grantor's life, I. 372
the use results according to the estate which the parties have in the land, and cannot be inconsistent therewith, 373
previously to stat. 3 & 4 Will. 4. c. 106. where the use declared was the same as would have resulted, the declaration was void, 373, 374
Qu. if a use results in the case of a lease and release, and no declaration, ib. IV. 116
a use cannot result to any person but the original owner of the land, I. 374, 375
nor can a use result against the intent of the parties, 375
the intent of the parties may be proved by parol evidence, ib. 392
nor which is inconsistent with the estate limited, 376
use results on the passing of an estate in fee simple only, ib.
and not on grant of estate tail, or for life or years, ib.
nor on a grant by a tenant for life or years, 377
nor on a devise, ib. 378
what use resulted to tenant in tail on suffering a recovery or fine, 378, 379
when rebutted by parol evidence, 375. 392

USES—*continued.*
Resulting uses:
resulting use will support a remainder limited by way of use, II. 261
deeds to lead uses, I. 367. IV. 120
deeds to declare uses, I. 367. IV. 120. 125
uses by implication,
cannot be implied to any one but the original owner, I. 374, 375. IV. 246
construction of conveyances to uses, 257
USURY,
usurious deeds are void, 409, 410
a fine might be avoided by averment of usury, V. 252

W.

WAIFS, III. 258
WALES, Court of Great Sessions in,
fines might be levied in it, V. 104
justices of, might take acknowledgments of fines, 114
how fines levied there might be reversed, 235
recoveries might be suffered there, 339
WARDSHIP, I. 26
WARRANT OF ATTORNEY,
to acknowledge a judgment, origin of, II. 43
to suffer a recovery, V. 312, 313. See *Recovery*.
WARRANTY in a Deed. See *Deed*.
abolished, I. 79
was implied by law in an exchange, IV. 76. 357
and in a partition, 77. 358
estate of freehold necessary to support, 355
previously to the late statute entail might be barred by, I. 92
implied in an assignment of dower, 172
all fines had an express warranty annexed, V. 78
effect of a fine with, in barring an estate tail, 169
effect of a collateral warranty in a fine, ib.
barred no estate, unless devested out of the real owner, 224. 225
WARREN, beasts and fowls of, III. 249. 253
WASTE,
statutes of Marlbridge and Gloucester against, I. 119, 120
is either voluntary or permissive, 115
malicious, is termed equitable waste, why, 128, 129
writ of abolished, 120
exception, 244

WASTE—*continued.*
remedy by action of trespass, given to and against executors for waste, &c. by and against their testators, I. 121
Voluntary waste:
felling or topping timber, or stubbing up young shoots, 115—117
pulling down houses, 117, 118
opening new pits or mines, 118
changing the course of husbandry, ib.
destroying heir looms, as deer, fish, &c. 119
Permissive waste:
in what consists, ib. 230
waste by act of God is excusable, 119
in consequence of waste or injury by act of God, ib.
Action for waste, ib.
what shall be recovered in, 120
barred at law by a recovery, II. 319
previously to stat. 3 & 4 Will. 4. c. 42., died with the person, 321. I. 121
lay by the person who had the immediate reversion or remainder in fee or in tail against,
a tenant for life, 120
who may bring action for waste against a tenant for life, ib.
a tenant for years, 120. 231
by one joint tenant against his companion, II. 377
between tenants in common, 400
not against tenant at will, I. 244
nor by trustees to preserve contingent remainders, II. 307., and see I. 121
no costs to plaintiff in, 120
Action on the case in the nature of waste,
preferable to action of waste, and lies by whom, ib. 121
by whom may be brought, ib.
costs recoverable in, ib.
bill for, against representatives of deceased tenant for life, when maintainable, 121
Injunction to stay waste:
how grantable in general, ib.
granted in favour of trustees to preserve contingent remainders, ib. 122. II. 308, 309
and of an infant *in ventre sa mere*, I. 123. II. 309
and in case of an intermediate remainder for life, II. 301, 302
pendente lite, I. 122
before actually committed if intention appears, ib.
bond by tenant in tail not to commit waste, is void, II. 6, 7

WASTE—*continued.*
clause without impeachment of, I. 127
how it affects a tenant for life, ib. 128
does not extend to malicious waste, 128, 129
is annexed to the privity of estate, 130. See *Estate for Life.*
how it affects a tenant for years, 233
Partial powers of committing waste, 130
Who may commit waste:
a tenant in tail, 74
a tenant in tail after possibility, 136
a jointress to supply a deficiency, 200
a mortgagee in possession—in what cases, II. 86
Who are disabled from committing waste:
tenants for life, I. 116. See *Estate for Life.*
ecclesiastics, 114. 130, 131
tenants by curtesy, 150
and in dower, 166
a tenant at will, 244.—but no action of waste lay against him, ib.
copyholders, 281, 282. 310
a mortgagor in possession, II. 81
A court of equity,
will restrain a tenant for life and for years, in what cases, I. 121, 122. 231
will restrain the committing of malicious waste, 128, 129
will not restrain a copyholder from committing waste, 281, 282. 310
will restrain a mortgagee from committing waste, in what cases, II. 86
and will stay waste in favour of an unborn child, 309
will, in the case of an executory devise, prevent the tenant in possession from committing waste, VI. 427
donee in tail may commit, I. 74
a bond from a donee in tail not to commit waste held void, 75. II. 6, 7
writ of, and action for, when committed by tenants of estates by statute merchant, staple, or elegit, 55
waste committed by one joint tenant will make all liable, 377
a joint tenant has a remedy against his companion, ib

WASTE
Of a manor:
when grantable by copy of court roll, I. 263

WASTES AND BARREN LANDS,
when improved are not titheable for seven years, III. 45, 46

WATER,
grant of, in a deed, only passes a right of fishing, IV. 268
aliter if "acres of land covered with water," or "*staynum*," are the words used, ib.

WAYS,
are incorporeal hereditaments, III. 2
nature of a right of way, 85
private way, ib.
could not be conveyed to uses before stat. 27 Hen. 8., I. 341
but a right of way *in esse* will now pass by bargain and sale, IV. 100
A right of way may be claimed by,
prescription, III. 86
grant, ib.
twenty years' enjoyment, 87
operation of law, ib.
A right of way:
how may be defeated, 86. n.
how may be used, 88
cannot be devested, 89. V. 228
may be extinguished by unity of possession, III. 90.
Qu. whether it may be revived, ib. 91
included in a right of wreck, 259, 260
who are bound to repair a way, 89, 90
could not be barred by fine, V. 228, 229
WELSH MORTGAGES, II. 69. 118
not liable to foreclosure, 198
WIDOW,
continuing in possession, is considered as guardian in socage to the heir, I. 50
of a copyholder, entitled to freebench, 284, 285. See *Freebench.*
as to her right of dower. See *Dower.*
a condition that she shall not marry is good, II. 22
WIFE is a good name of purchase, IV. 262. See *Married Women.*
WILL. See *Devise.*
WITNESSES,
of a deed, not presumed to be privy to its contents, II. 170
attestation of a will by witnesses, VI. 49. See *Devise.*
who may be witnesses to a will, 60
becoming blind, handwriting may be proved, IV. 31
WOAD,
titheable, III. 39
WOMEN,
attainted, are barred of dower, I. 175
stolen, cannot claim dower, 159. 175
may hold certain offices, III. 105
marriage is a revocation of a woman's will, VI. 92. See *Powers.*
WOOD, a great tithe, III. 39
WOOL titheable, III. 45

WRECKS, III. 269. See *Franchise.*

WRIT,
of *venire ad computandum*, II. 55. 61
of *scire facias ad rehabendum terram*, 60
of deceit. See *Deceit.*
of right, close, I. 267. III. 431
does not lie for a donee, 436
original, of a fine, V. 71
of *dedimus potestatem*, 107
of false judgment, to reverse a fine, 242
of error, to reverse a fine, 234. 247
of deceit, to reverse a fine, 240
and see *Fine.*
of deceit, to reverse recovery, 439
of false judgment to reverse a recovery, 440
of entry, to suffer a recovery, 272
de dedimus potestatem attornato faciendo, 313
of *summoneas ad warrantizandum*, 317
of error to reverse a recovery, 424
of *habere facias seisinam*, 332
and see *Recovery.*
writs abolished, see stat. 3 & 4 Will. 4. c. 27

WRITING,
essential to a deed, IV. 24
and to a devise, VI. 47

Y.

YEARS,
estate for. See *Estate.*
mortgage for. See *Mortgage.*
lease for. See *Lease.*
bargain and sale for. See *Bargain and Sale.*

THE END.

PRINTED BY STEWART AND CO., OLD BAILEY.

Stanford Law Library
3 6105 06 137 799 5